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FROM THE ESTATE OF
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CLASS OF 1877

THE

CIVIL CODE

OF THE

HAWAIIAN ISLANDS,

PASSED IN THE YEAR OF OUR LORD

1859:

TO WHICH IS ADDED

AN APPENDIX,

CONTAINING

LAWS NOT EXPRESSLY REPEALED BY THE CIVIL CODE; THE SESSION LAWS OF 1858-9; AND TREATIES WITH FOREIGN NATIONS.

PUBLISHED BY AUTHORITY.

HONOLULU:
PRINTED FOR THE GOVERNMENT.
1859.

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AUGUST 2, 1935

PREFACE.

The following Joint Resolution was passed by the Legislature in the year 1856, to provide for the codification and revision of the existing laws, (except the Penal Code of 1850,) which were defective in many particulars, and inconvenient of reference on account of their being scattered through many separate volumes, and from the numerous alterations which had been made in them from time to time, since the passage of the Organic Acts of 1845-6.

JOINT RESOLUTION.

"Resolved, That whereas, it is desirable to codify our existing laws, His Royal Highness, Prince Kamehameha, the Honorable W. L. Lee, Chief Justice, and the Honorable George M. Robertson, Associate Judge of the Supreme Court, are appointed a committee to prepare a complete Civil Code, adding notes with reference to important decisions of court under the laws, wherever they may think necessary, and to report the same for the sanction of the Legislature of 1858, with an appropriate index for facility of reference."

In pursuance of this resolution, the work of preparing the Civil Code was commenced, soon after the adjournment of the Legislature in 1856, but was much retarded by the illness and death of Chief Justice Lee. The Honorable E. H. Allen having been appointed to fill the vacancy in the codifying commission, the draft of the New Code was nearly completed when the Legislature met in June, 1858. The commissioners having reported, the Legislature appointed a Joint Special Committee, consisting of five members from each House, to whom was referred the proposed Code, with instructions to report thereon at an adjourned session, to commence on the first Monday of December following. The work was thoroughly examined by the Joint Committee, and afterwards discussed at length in the Legislature, where many alterations were made in the original draft. The Code, as now published, was finally passed by both Houses on the 2d, and received the Royal Assent on the 17th day of May, 1859.

In accordance with a Joint Resolution of the Legislature, the undersigned were appointed by the Minister of the Interior to compare the Hawaiian and

English versions of the New Code, assimilating the same as far as practicable, and to superintend the publication of the same. The work of comparing and assimilating the two versions, has been one of great labor and care; and while we cannot hope to have effected a perfect agreement between the Hawaiian and English texts, we feel confident that, in this respect, the Civil Code will be found more satisfactory than any of the laws published heretofore.

R. ARMSTRONG,
G. M. ROBERTSON,
Committee of Publication.

THE

CIVIL CODE

OF

THE HAWAIIAN ISLANDS.

BE IT ENACTED, BY THE KING, THE NOBLES, AND THE REPRESENTATIVES OF THE HAWAIIAN ISLANDS IN LEGISLATIVE COUNCIL ASSEMBLED:

TITLE 1.—OF LAWS.

CHAPTER I.

OF THE PROMULGATION OF THE LAWS.

SECTION 1. No written law shall be obligatory without being first printed and made public.

SECTION 2. All laws enacted by the Legislative power of the kingdom, shall be deposited and preserved in the office of the Minister of the Interior, who shall promulgate the same by publication in such newspaper or newspapers, printed at the Seat of Government, as he may deem proper.

SECTION 3. It shall be the duty of the Minister of the Interior to furnish a copy of the Laws, immediately after their publication, to each of the Executive Ministers, Governors, Judges and District Attorneys.

SECTION 4. All Laws, unless otherwise specially provided, shall take effect on the Island of Oahu ten days after the promulgation of the same, and on each of the other islands, thirty days after such promulgation; after which no one shall be allowed to allege ignorance of the law as an excuse or justification for a violation thereof.

CHAPTER II.

OF THE EFFECTS OF LAWS.

SECTION 5. No law shall have any retrospective operation.

SECTION 6. The laws are obligatory upon all persons, whether subjects of this kingdom, or citizens or subjects of any foreign State, while within the limits of this kingdom, except so far as exception is made by the laws of nations in respect to Ambassadors or others. The property of all such persons, while such property is within the territorial jurisdiction of this kingdom, is also subject to the laws.

SECTION 7. Private agreements shall have no effect to contravene any law which concerns public order or good morals. But individuals may, in all cases in which it is not expressly or impliedly prohibited, renounce what the law has established in their favor, when such renunciation does not affect the rights of others, and is not contrary to the public good.

SECTION 8. Whatever is done in contravention of a prohibitory law is void, although the nullity be not formally directed.

CHAPTER III.

OF THE CONSTRUCTION OF LAWS.

SECTION 9. The words of a law are generally to be understood in their most known and usual signification, without attending so much to the literal and strictly grammatical construction of the words as to their general and popular use or meaning.

SECTION 10. Where the words of a law are dubious, their meaning may be sought by examining the context, with which the ambiguous words, phrases and sentences may be compared, in order to ascertain their true meaning.

SECTION 11. Laws in *pari materia*, or upon the same subject matter, must be construed with reference to each other; what is clear in one statute may be called in aid to explain what is doubtful in another.

SECTION 12. One of the most effectual ways of discovering the true meaning of a law, when its expressions are dubious, is by considering the reason and spirit of it, or the cause which induced the Legislature to enact it.

SECTION 13. When the words of a law are ambiguous, every construction which leads to an absurdity should be rejected.

SECTION 14. The Judges have equitable as well as legal jurisdiction, and in all civil matters, where there is no express law, they are bound to proceed and decide according to equity, applying necessary remedies to evils that are not specifically contemplated by law, and conserving the cause of morals and good conscience. To decide equitably, an appeal is to be made to natural law and reason, or to received usage, and may also be had to the laws and usages of other countries.

SECTION 15. Every word importing the singular number only, may extend to and embrace the plural number; and every word importing the plural number only, may be applied and confined to the singular number as well as the plural; and every word importing the masculine gender only, may extend to and include females as well as males.

SECTION 16. Each of the terms *or* and *and*, has the meaning of the other or both, when the subject matter, sense and connection require such construction.

SECTION 17. The word *person*, or words importing persons, for instance, *another*, *others*, *any*, *any one*, *anybody*, and the like, signify not only persons, but corporations, societies, communities, assemblies, inhabitants of a district, or neighborhood, or persons known or unknown, and the public generally, where it appears, from the subject matter, the sense and the connection in which such words are used, that such construction is intended.

SECTION 18. The word *month* shall be construed to mean a calendar month, unless otherwise expressed; and the word *year*, a calendar year, unless otherwise expressed.

SECTION 19. The word *oath* shall be construed to include affirmation, when made by one alleging himself to be a member of the Society of Friends.

CHAPTER IV.

OF THE REPEAL OF LAWS.

SECTION 20. The repeal of any law shall not be construed to revive any other law which has been repealed, unless it be so clearly expressed. Laws may be repealed either entirely or partially by other laws.

SECTION 21. The repeal of a law is either express or implied; it is express when it is literally declared by a subsequent law; it is implied when the new law contains provisions contrary to, or irreconcilable with, those of the former law.

SECTION 22. The repeal of any law shall, in no case, affect any act done, or any right accruing, accrued, acquired or established, or any suit or proceeding had or commenced in any civil case, before the time when said repeal shall take effect.

SECTION 23. No suit or prosecution pending at the time of the repeal of any law, for any offence committed, or for the recovery of any penalty or forfeiture incurred under the law so repealed, shall in any case be affected by such repeal.

TITLE 2.—OF THE ADMINISTRATION OF THE GOVERNMENT.

OF THE EXECUTIVE.

CHAPTER V.

THE KING—HIS PRIVY COUNCIL.

SECTION 24. The King may, at any time, by Royal Letters Patent, appoint any of his subjects, who has attained the age of majority, a member of His Privy Council of State, to hold office during the King's pleasure.

SECTION 25. Every member of the King's Privy Council of State, before entering upon the discharge of his duties as such, shall take an oath to support the Constitution, to advise the King honestly, and to observe strict secrecy in regard to all matters coming to his knowledge as a Privy Counselor, upon which a special injunction shall have been imposed by the King; but such injunction shall not extend to an interchange of views upon the matters enjoined between members of said Council, nor shall it be held to continue after the injunction of secrecy has been removed.

SECTION 26. It shall be the duty of every Privy Counselor:

1. To advise the King according to the best of his knowledge cretion.

2. To advise for the King's honor and the good of the publi *partiality through* friendship, love, reward, fear or favor.

3. Finally, to avoid corruption—and to observe, keep, and do all that a good and true counselor ought to observe, keep, and do to his Sovereign.

SECTION 27. Every Privy Counselor shall have full liberty to be present at any regular or extraordinary meeting of the Privy Council, and to express his views and opinions upon every matter submitted to said Council. He shall also be entitled to vote, and have the same recorded, upon all questions not affecting his private interests.

SECTION 28. The Privy Council shall regulate its own proceedings; and shall also appoint a secretary, who shall keep a true record of all its transactions, and have the custody of such record.

SECTION 29. To prevent the danger and inconvenience of having no Privy Council, during the vacancy of the throne, the Privy Council in being at the demise of the Crown, shall continue until determined by the successor or Kuhina Nui.

CHAPTER VI.

OF THE EXECUTIVE MINISTERS AND OF THE GOVERNORS.

SECTION 30. No person shall be eligible to the office of Minister to the King, or Governor, who is not a subject or denizen, and of the full age of twenty one years.

SECTION 31. Every minister or governor, before entering upon the duties of his office, shall take and subscribe an oath to support the Constitution and Laws, and faithfully and impartially to discharge the duties of his office. Such oath shall be placed and kept among the records of the Privy Council.

SECTION 32. Every minister shall reside and keep his office at the Seat of Government, and shall not leave the kingdom during his continuance in office, except upon public business with which he may be charged by the King.

CHAPTER VII.

DEPARTMENT OF THE INTERIOR.

SECTION 33. There shall be, and is hereby, created a department of government, to be styled the Department of the Interior, which shall be presided over by a minister, who shall be called the Minister of the Interior.

SECTION 34. It shall be the duty of the Minister of the Interior to have a general supervision over the internal affairs of the kingdom, and to faithfully and impartially execute the duties assigned by law to his department.

SECTION 35. The Minister of the Interior shall keep, in appropriate books, a clear, distinct and full record of all the transactions of his department.

SECTION 36. The said Minister shall have the care and supervision of all government lands and other property; of the internal trade and commerce of the kingdom; of internal improvements; of the internal police of the kingdom; of the post offices; of the government press; of the naturalization of foreigners; and of such other matters as may be placed in his charge.

SECTION 37. The Minister of the Interior shall have the charge of the standards of weights and measures; and of all original manuscript laws enacted by the Legislature.

SECTION 38. The Minister of the Interior shall promulgate such proclamations as may be made by the King, for the observance of days of fast or of thanksgiving, and all other proclamations which do not specially relate to the business of other departments.

ARTICLE I.—OF THE GOVERNMENT LANDS AND OTHER PROPERTY.

SECTION 39. The Minister of the Interior shall have the charge, custody, and supervision of all the lands surrendered and forever made over unto the chiefs and people by His late Majesty, Kamehameha III., the surrender and conveyance of which was solemnly accepted, and confirmed by an Act of the Legislature, passed on the 7th day of June, A. D. 1848; and also of all other government lands, buildings, vessels, and property whatsoever not expressly placed in the charge of some other officer.

SECTION 40. The said minister shall be accountable for the preservation and safe keeping of the government property, and it shall be his duty to prosecute any person injuring, trespassing upon, or wrongfully taking the same, such as land, timber, streams, ponds, springs, water-courses, reservoirs, water-works, reefs, harbors, channels, wharves, lights, buoys, beacons, highways, bridges, markets, buildings, vessels, and other government property of whatsoever kind or nature.

SECTION 41. The said minister, under the direction and with the approval of the King in Cabinet Council, shall have power to purchase lots upon which to erect public buildings, and other lands for the use of harbors, highways, wharves, water-works, and other internal improvements; also any other property necessary for the public service; and to pay for the same in such manner as the King in Cabinet Council shall direct—provided always, that the whole amount of existing debt incurred for the purchase of such lands or property, shall at no time exceed the sum of twenty-five thousand dollars; and provided further, that no moneys specifically appropriated by the Legislature for any other object, shall be applied to the discharge of the debt incurred as hereinbefore provided.

SECTION 42. The said minister, by and with the authority of the

King in Cabinet Council, shall have power to lease, sell, or otherwise dispose of the public lands, and other property, in such manner as he may deem best for the promotion of agriculture and the general welfare of the kingdom, subject, however, to such restrictions as may from time to time be expressly provided by law.

SECTION 43. A Royal Patent, signed by the King, and countersigned by the Kuhina Nui and the Minister of the Interior, shall issue under the great Seal of the kingdom to the purchaser in fee simple of any government land or other real estate; and also to any holder of an award from the Board of Commissioners to quiet land titles for any land in which he may have commuted the government rights.

SECTION 44. All Royal patents, leases, grants, or other conveyances of any government land or real estate, shall be prepared by, and issued from, the Department of the Interior; and it shall be the duty of the Minister of the Interior to keep a full and faithful record of all such patents, leases, grants and other conveyances. Said record shall be open to public inspection, and he shall furnish a certified copy, under his official seal, of any instrument therein recorded, to any person applying therefor, upon being paid at the rate of fifty cents for every one hundred words. Every such certified copy shall be received as evidence in any judicial court of the kingdom, the same as the original instrument itself.

SECTION 45. It shall be the duty of the Minister of the Interior to cause such surveys, maps, and plans of the government lands, harbors, and internal improvements to be made as the public interests may require; which surveys, maps and plans shall be kept in his office for public inspection and reference.

SECTION 46. The Minister of the Interior may appoint suitable agents throughout the kingdom, for the management and sale of government lands, which agents shall be paid a reasonable compensation for their services, in the discretion of said Minister, out of the proceeds of their sales or other avails arising from such lands. It shall be the duty of such agents to report to the Minister of the Interior all trespasses committed by any person upon the government lands in their charge.

SECTION 47. Every such agent shall procure the lands sold by him

to be correctly surveyed; and he shall not forward any such survey to the Minister of the Interior to obtain a Royal patent to be executed for the land sold, until the purchaser shall have first deposited in the hands of such agent the purchase money of said land, and the costs of the survey.

SECTION 48. The Minister of the Interior is prohibited from selling the water ponds, springs and streams belonging to the government in or near Honolulu; that is to say, the pond of Kunawai, in the Ili of Kunawai; and the ponds of Kumuhahane and Kalaupalolo, in the Ili of Alewa, and all other government water ponds, springs and streams, wherever situated, which may be valuable for public use; and any sale in contravention of this section shall be absolutely null and void.

ARTICLE II.—OF THE INTERNAL TRADE AND COMMERCE.

THE COASTING TRADE.

SECTION 49. The Collector-General of Customs, under the direction of the Minister of the Interior, shall grant a coasting license for one year, to any Hawaiian registered vessel, the owner of which shall have applied to him in writing, setting forth the vessel's name, with the date and number of her register, which license shall be in such form as may be approved by the Minister of the Interior.

SECTION 50. The said Collector-General of Customs shall charge for every coasting license, the sum of one dollar per ton register upon vessels of every class up to and including twenty-five tons, and fifty cents for every additional ton over twenty-five tons; and upon granting any such license, he shall exact of the owner a bond, with at least one sufficient surety, to be approved by said Collector, in the penal sum of five hundred dollars, in such form, and upon such condition as may be approved by the Minister of the Interior.

SECTION 51. Any vessel which shall engage in the coasting trade of

this kingdom, without a license, shall be liable to seizure, confiscation and sale, for the benefit of the King's treasury.

SECTION 52. The Minister of the Interior shall have power, under the approval of the King, to establish rules for the guidance and government of all vessels engaged in the coasting trade; and in case any such vessel shall violate any of the said rules, he shall have the power to annul its license.

SECTION 53. The said Minister may, at any time, impress any licensed coaster into the public service upon a just compensation, to be afterwards assessed by the Court of Admiralty of this kingdom.

SECTION 54. All vessels engaged in the coasting trade shall carry the inter-island mails free of charge, under such regulations as may from time to time be provided by law, or prescribed by the Minister of the Interior, upon pain of forfeiting their licenses.

SECTION 55. No vessel shall engage in the coasting or carrying trade having on board any spirits, wines, liquors, stores, or articles of merchandise which have not paid the legal duties in this kingdom, under penalty of not less than fifty, nor more than one thousand dollars, in the discretion of the Court.

OF LICENSES.

TO VENDERS OF GOODS, WARES AND MERCHANDISE.

SECTION 56. The Minister of the Interior shall grant to any person applying therefor, in writing, a license to sell goods, wares and merchandise at wholesale, for the term of one year; and each person receiving such license shall pay therefor the sum of one hundred dollars.

SECTION 57. Said Minister shall also grant a license to any person applying therefor, in writing, to sell goods, wares and merchandise at retail, for the term of one year; and each person receiving such license shall pay therefor the sum of fifty dollars.

SECTION 58. Said Minister shall also grant a license to any owner of a coffee, sugar, or other plantation, of at least thirty acres in extent, applying therefor, in writing, to sell goods, wares and merchandise at retail, on his plantation, for the term of one year; and each person receiving such license shall pay therefor the sum of twenty-five dollars; provided always, that no such license shall be of any avail, unless at least twenty-five acres of such plantation are under actual cultivation.

SECTION 59. Every application for a license to sell goods, wares and merchandise at wholesale or retail, shall state the location of the applicant's place of business, and the kind of articles he intends to sell.

SECTION 60. No person holding a license to sell goods, wares and merchandise at wholesale, unless he also holds a license to sell the same at retail, shall sell such articles otherwise than by the entire box, bale, sack, case, basket, crate, barrel, or cask—or, if dry goods, by the piece —or, if sold in none of the ways above enumerated, then by the hundred pounds; and no person holding only a license to sell goods, wares and merchandise at retail, shall sell the same except in quantities less than those above specified.

SECTION 61. All licenses to sell goods, wares and merchandise, whether at wholesale or retail, shall contain a condition that the licensee shall not sell or furnish opium or any preparation thereof, nor any poisonous drug, without license obtained according to law, under pain of the forfeiture of his license, and incurring the penalty prescribed by law for that offence; and that he shall not sell or furnish spirituous liquors or any other intoxicating drinks, without express license therefor obtained according to law, upon pain of forfeiting his license and incurring such penalties as the law may, from time to time prescribe, for selling or furnishing spirituous liquors, or other intoxicating drinks, without license.

SECTION 62. Every person who shall sell any goods, wares or merchandise of foreign product or manufacture without license, or in contravention of section 60, shall be fined in a sum not exceeding five hundred dollars, or in default of payment, imprisoned at hard labor not exceeding six months, in the discretion of the Court.

SECTION 63. Every license to sell goods, wares and merchandise, shall be signed by the Minister of the Interior, and impressed with the seal of this department; and shall state the place or limits within which the licensee may sell. No such license shall be transferable.

TO AUCTIONEERS.

SECTION 64. The Minister of the Interior may, at any time, license for the term of one year, one or more suitable persons, being Hawaiian subjects, in each island, to be public auctioneers within the respective islands for which they receive their licenses; provided, however, that not more than three auction licenses shall be granted for the island of Oahu.

SECTION 65. The price of an auctioneer's license shall be such a percentage on the sales made, as the Minister of the Interior shall deem reasonable, not to exceed one per cent.

SECTION 66. Every auctioneer shall, upon receiving his license,

give a bond to the Minister of the Interior in the penal sum of one thousand dollars, with sufficient surety or sureties, to be approved by said Minister, conditioned that he shall render a faithful account of all his sales according to law; that he shall pay, quarterly, to the Minister of the Interior the amount of per centage established by his license; that he shall at no time make default in paying over to parties for whom he may have sold property the sums received by him from such sales, after deducting therefrom his commissions and expenses; and that he shall, in all things, well and truly conform to the laws relating to auctioneers.

SECTION 67. Every licensed auctioneer may charge a commission of not more than five per cent. upon all sales made by him, and deduct such commission from any of the proceeds of such sales; and he may sue in his own name any person purchasing property sold by him at auction for the price thereof, whether such property were his own or that of another; and his evidence shall be admissible in any suit so brought by him.

SECTION 68. Every licensed auctioneer shall, quarterly, under oath, render to the Minister of the Interior a faithful written account of the whole amount of property sold by him, together with his commissions thereon; and every such auctioneer shall, quarterly, pay over such per-centage to the said Minister, as may be specified by the terms of his license; in default of which said Minister shall have power to revoke or suspend his license.

SECTION 69. Nothing in this article, or in any law relating to auctioneers, shall extend to or affect sales made by any sheriff, deputy-sheriff, constable, pound-master, collector of taxes, executor, administrator, or guardian, required or authorized by law, to sell any real or personal estate by public auction.

SECTION 70. Every person, other than those mentioned in section 69, who shall sell any property at auction without first obtaining a license, shall be fined in a sum not exceeding one thousand dollars, or imprisoned at hard labor not exceeding six months, in the discretion of the Court. Nothing in this section contained shall be construed to extend and apply to any person appointed by any auctioneer to act on his account, pro-

vided such person shall be a Hawaiian subject; and further, that said auctioneer shall be responsible for his acts as such agent.

SECTION 71. Every auctioneer's license shall be signed by the Minister of the Interior, and impressed with the seal of his department, and shall state the limits within which the licensee may act as auctioneer. No such license shall be transferable.

TO KEEPERS OF HOTELS AND VICTUALING HOUSES.

SECTION 72. The Minister of the Interior may grant a license to any person applying therefor, in writing, to keep a hotel or victualing house for the term of one year, upon receiving the sum of fifty dollars.

SECTION 73. Upon receiving a license to keep a hotel or victualling house, the licensee shall give to the Minister of the Interior a bond, in the penal sum of five hundred dollars, with sufficient surety or sureties to be approved by said Minister, conditioned that he will not sell or furnish any spirituous liquor, without license; that he will not keep, or suffer to be kept, a noisy or disorderly house; that he will not suffer prostitutes to assemble together at his hotel, or victualing house, or in any building connected therewith, for any purpose whatsoever; that he will not harbor or conceal deserting sailors; that he will not keep his house open after ten o'clock at night; that he will at all times give free access thereto to any officer of the police for inspection; and that he will in all things conform to the terms of his license, and the laws respecting hotels and victualing houses.

SECTION 74. Every keeper of a hotel or victualing house shall, at all times, have a board or sign affixed to his house, or in some conspicuous place near the same, with his name at large thereon, and the employment for which he is licensed, under penalty of being fined twenty-five dollars.

SECTION 75. No keeper of a hotel or victualing house shall suffer any person, in or about the same, to practice gaming with any dice, cards,

bowls, billiards, quoits, or other implements used in gaming, under penalty of being fined twenty-five dollars.

SECTION 76. Every license to keep a hotel or victualing house shall be signed by the Minister of the Interior, and impressed with the seal of his department, and no such license shall be transferable.

SECTION 77. Every person who shall keep a hotel or victualing house without license, shall be fined not exceeding one hundred dollars, or be imprisoned at hard labor not exceeding six months, in the discretion of the Court.

TO KEEPERS OF BILLIARD TABLES AND BOWLING ALLEYS.

SECTION 78. The Minister of the Interior may grant a license to keep a bowling alley, or billiard table, to any person applying therefor, in writing, for the term of one year, upon receiving the sum of twenty-five dollars for every such table or alley.

SECTION 79. The said Minister shall have power to prescribe such rules and regulations for the keeping of billiard tables and bowling alleys, as he may deem necessary and proper for the public good; and the violation of any such rules shall work a forfeiture of the license.

SECTION 80. No keeper of a billiard table or bowling alley, shall suffer the same to be used on Sunday; nor allow any gaming on such table or alley, under penalty of being fined twenty-five dollars.

SECTION 81. Every license to keep a billiard table or bowling alley, shall be signed by the Minister of the Interior, and impressed with the seal of his department; and no such license shall be transferable.

SECTION 82. Every person who shall keep a billiard table or bowling alley without license, shall be fined not exceeding one hundred dollars, or be imprisoned at hard labor not exceeding six months, in the discre-

tion of the Court: provided, that nothing in this section contained shall be construed as extending to any billiard table or bowling alley kept by any person for private use.

AN ACT

TO AMEND ARTICLE 2, CHAPTER 7, OF THE CIVIL CODE.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. The Minister of the Interior may at any time grant licenses for the term of one year, to not more than two persons resident in Honolulu, and one at Lahaina, to import and sell opium to Chinamen for the term of one year, in the districts of Honolulu and Lahaina, upon receiving the sum of not less than two thousand dollars for each license so granted: Provided that the said licenses shall be exposed at public auction at the upset price of two thousand dollars, and sold to the highest bidder.

SECTION 2. Before receiving such license, the licensee shall give to the Minister of the Interior a bond in the penal sum of one thousand dollars, with sufficient surety or sureties to be approved by said Minister, conditioned that he will not sell or furnish opium, or any preparation thereof, to any person except to Chinamen.

SECTION 3. Upon the violation of any conditions of the license granted under this Act, the licensee shall forfeit his license and become liable on his bond for the amount of the penalty.

SECTION 4. Any person, except licensed physicians, who shall import, sell or furnish any opium, or any preparation thereof, without a license as above provided, shall be fined not less than one hundred dollars, or to be imprisoned at hard labor for a term not exceeding six months, in the discretion of the Court.

SECTION 5. Every license to import and sell opium shall be signed by the Minister of the Interior and impressed with the seal of the Department, and no such license shall be transferable.

SECTION 6. This Act shall take effect and be in force from and after the date of its passage, and sections 83, 84, 85 and 86 of the Civil Code of this Kingdom are hereby repealed.

Approved this 21st day of August, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

TO VENDORS OF O

SECTION 83. The Mini
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SECTION 85. Any pers
any preparation thereof, o
fined not less than fifty, nor more than five hundred dollars, or be imprisoned at hard labor not exceeding six months, in the discretion of the Court. Nothing in this article contained shall be construed to prevent the government from importing any drugs or medicine for gratuitous distribution; nor to prevent clergymen from importing and gratuitously distributing any drug or medicine; nor to extend and apply to the sale of awa.

SECTION 86. Every license to import and sell opium and other drugs, shall be signed by the Minister of the Interior, and impressed with the seal of his department; and no such license shall be transferable.

bowls, billiards, quoits, or other implements used in gaming, under penalty of being fined twenty-five dollars.

SECTION 76. Every license to keep a hotel or victualing house shall be signed by the Minister of the Interior, and impressed with the seal of his department, and no such license shall be transferable.

SECTION 77. Every person who shall keep a hotel or victualing house without license, shall be fined not exceeding one hundred dollars, or be imprisoned at hard labor not exceeding six months, in the discretion of the Court.

TO KEEPERS OF BILLIARD TABLES AND BOWLING ALLEYS.

SECTION 78. The Minister of the Interior may grant a license to keep a bowling alley, or billiard table, to any person applying therefor, in writing, for the term of one year, upon receiving the sum of twenty-five dollars for every such table or alley.

SECTION 79. The said Minister shall have power to prescribe such rules and regulations for the keeping of billiard tables and bowling alleys, may deem necessary and proper for the public good; and the any such rules shall work a forfeiture of the license.

No keeper of a billiard table or bowling alley, shall to be used on Sunday; nor allow any gaming on such under penalty of being fined twenty-five dollars.

CTION 81. Every license to keep a billiard table or bowling alley, e signed by the Minister of the Interior, and impressed with the his department; and no such license shall be transferable.

82. Every person who shall keep a billiard table or bowling t license, shall be fined not exceeding one hundred dollars, ed at hard labor not exceeding six months, in the discre-

TO VENDORS OF AWA.

SECTION 87. The Minister of the Interior may, at any time, license for the term of one year, any applicant to sell awa, upon receiving for such license the sum of fifty dollars.

SECTION 88. Upon receiving from the Minister of the Interior a license to sell awa, the licensee shall give to the Minister of the Interior a bond in the penal sum of two hundred dollars, with sufficient surety or sureties, to be approved by said Minister; conditioned that he will sell no awa contrary to the provisions of this statute; that he will preserve every certificate on which he may have sold awa, and also keep an account of all purchases and sales made by him, under his license, which shall be open for the inspection and information of all who may desire to examine the same.

SECTION 89. It shall not be lawful for the licensed agents of government to sell awa to any other persons than those buying it in quantities exceeding ten pounds, for exportation, or to duly licensed physicians and surgeons, or to such persons as may obtain certificates from any such physician or surgeon, or from some person appointed by the Minister of the Interior for that purpose, stating that such person is afflicted with a disease for which awa is a proper medicine, and specifying the quantity required.

SECTION 90. Every person who shall sell awa, without a license so to do, or, having a license, shall sell contrary to the provisions of this law, shall be subject to a fine not exceeding twenty-five dollars, in the discretion of the Court. Provided, always, that nothing in this section contained shall be so construed as to prevent any duly licensed physician or surgeon from selling any awa, as a medicine, which he may have previously purchased of a government agent.

SECTION 91. Every person who shall use awa, unless the same shall have been prescribed as a medicine for him by some licensed physician or surgeon, shall be subject to a fine of five dollars.

TO VENDORS OF BEEF.

SECTION 92. The Minister of the Interior may, at any time, license for the term of one year, any applicant, to slaughter and sell beef, either in Honolulu or Lahaina, upon receiving for such license the sum of ten dollars: provided however, that this section shall not be held to apply to salted or corned beef brought from other parts of the kingdom.

SECTION 93. Upon granting any such license, said Minister shall exact of the applicant a bond in the penal sum of two hundred dollars, with good and sufficient surety, to be approved by said Minister, conditioned that such applicant will keep a full and accurate register of the brands of every animal which he shall kill or sell; together with the name of the owner, the name of the person or persons who deliver the animal; with the date when delivered and when killed; and that he will at all times keep said register ready and open for the inspection and information of all who may desire to examine the same.

SECTION 94. Whoever shall slaughter or sell beef in Honolulu or Lahaina, without first obtaining a license therefor as provided in section 92, shall be subject to a fine of not less than ten, nor more than twenty-five dollars, for each offense, in the discretion of the Court.

SECTION 95. Every license to slaughter and sell beef shall be signed by the Minister of the Interior, and impressed with the seal of his department; and no such license shall be transferable.

TO THEATERS, CIRCUSES AND PUBLIC SHOWS.

SECTION 96. The Minister of the Interior may license any theater, circus, Hawaiian hula, public show or other exhibition, not of an immoral character, to which admission is obtainable by the payment of money, for such time, not exceeding one year, and upon such terms and conditions as he shall think reasonable: provided, however, that not less than ten dollars shall be required for each performance licensed.

SECTION 97. The Chief of Police in any town or district where any theater, circus, Hawaiian hula, or other public show shall be exhibited, may regulate the same in such manner as he shall think necessary for the preservation of order, decorum and the public peace or morals.

SECTION 98. Any person who shall set up or promote any such theater, circus, Hawaiian hula, show or exhibition, or shall publish or advertise the same, or otherwise aid or assist therein, without a license first obtained, as provided in section 96, or contrary to the terms and conditions of such license, or while the same is suspended, or after the same shall have expired, without obtaining a new license, shall be fined a sum not exceeding five hundred dollars, or imprisoned at hard labor not exceeding six months, in the discretion of the Court.

SECTION 99. No license for a Hawaiian hula shall be granted for any other place than Honolulu, and no license for any theater, circus, or other public show or exhibition, shall be granted for any other place than Honolulu or Lahaina.

SECTION 100. Every license for a theater, circus, Hawaiian hula, or other public show or exhibition, shall be signed by the Minister of the Interior, and impressed with the seal of his department, and no such license shall be transferable.

TO BOATS.

SECTION 101. The Minister of the Interior may grant a license to ply boats for hire in the harbor of Honolulu, Lahaina or Hilo for the term of one year, upon receiving for the boats for the harbor of Honolulu, twelve dollars for every boat with four or more oars, and eight dollars for every boat with less than four oars; and for the boats for the harbors of Lahaina and Hilo, eight dollars for every boat with four or more oars, and four dollars for every boat with less than four oars.

SECTION 102. The owner of any boat duly licensed for the harbor of Honolulu, shall be entitled, if hired on time, to charge one dollar for each passenger for the first hour, and fifty cents for each succeeding hour, if the boat have four or more oars; and only half of these fares, if the boat have less than four oars.

If hired by distance, twenty-five cents for each passenger to and from any ship or point within the inner buoy; fifty cents to and from any ship or point between the inner and outer buoys; and two dollars to and from any ship or point in the anchorage outside of the buoys, if the boat have four oars; and only half of said fares, if the boat have less than four oars: Provided always that, if the boat shall be detained by any passenger alongside of any ship or at any point over fifteen minutes, the owner shall be entitled to charge fifty cents additional for every half hour of such detention.

SECTION 103. Any person plying a licensed boat who shall refuse to take a passenger at the rates prescribed in the preceding section, or who shall charge any person more than said rates, shall be fined five dollars.

SECTION 104. Every person hiring any such boat shall be entitled to carry with him, free of charge, one hundred pounds of luggage or goods, and no more, and for all extra luggage or goods he shall pay according to agreement with the person plying the boat.

SECTION 105. If any person plying a licensed boat shall knowingly

convey any woman on board of any vessel for the purpose of prostitution, or any person flying from the Kingdom to escape justice, or the payment of his debts, or shall assist with his boat any sailor deserting from any vessel, or shall communicate with any vessel placed under quarantine, such boat shall be forfeited upon satisfactory proof before any police or district justice.

SECTION 106. The owner of any licensed boat shall, upon the written order of the Minister of the Interior, furnish such boat, with the proper number of oarsmen, for the public service, at the rate of four dollars per day for any boat with four oars, and two dollars per day for any boat with less than four oars, under a penalty of not more than fifty dollars, in the discretion of the Court.

SECTION 107. Any boat plying for hire in the harbor of Honolulu, or Lahaina, without being licensed, shall be forfeited upon satisfactory proof before any police or district justice.

SECTION 108. The owner of every licensed boat shall have and keep the number of her license painted, conspicuously, upon both her bows, under the penalty of five dollars.

SECTION 109. All such licenses shall be signed by the Minister of the Interior, numbered according to the respective dates of their issue, and impressed with the seal of his department. No such license shall be transferable.

TO LETTERS OF HORSES.

SECTION 110. The Minister of the Interior may grant a license, for one year, to any person for the letting of horses in Honolulu or Lahaina, upon receiving five dollars for every horse intended to be let by the applicant; and the number of horses shall be prescribed in the license.

SECTION 111. All such licenses shall be numbered consecutively, and

shall contain a proviso to the effect that the licensee shall not let any of his horses to be used on Sunday, under a penalty of five dollars for each horse so let.

SECTION 112. Every licensee shall cause the number of his license, to be legibly marked and exhibited on the brow band of the bridle of each horse let by him, under the penalty of five dollars for each horse not so numbered.

SECTION 113. If any person shall let a horse to another, who is at the time in a state of intoxication, and allow such person to mount and ride off, he shall be fined five dollars.

SECTION 114. It shall be the duty of every person letting a horse, to caution the person hiring the same against fast riding, under a penalty of five dollars.

SECTION 115. All horses kept for hire shall be liable to be called into the public service, upon the written order of the Minister of the Interior, fully equipped by the owners thereof, and such owners shall be entitled to receive, for the services of each horse, the sum of two dollars per day.

SECTION 116. Any person letting a horse for hire, in Honolulu or Lahaina, without a license, shall be fined in the sum of ten dollars.

SECTION 117. Every license for the letting of horses shall be signed by the Minister of the Interior, and impressed with the seal of his department; and no such license shall be transferable.

TO KEEPERS OF STALLIONS.

SECTION 118. The Minister of the Interior shall appoint three persons in each of the taxation districts of the Kingdom, not being the owners of stallions kept for hire, to be inspectors of stallions, whose duty it shall be, upon the payment of one dollar to each of such inspectors, to examine any stallion presented for their inspection, upon such days as they shall appoint within their respective taxation districts; and if upon such examination any stallion so presented shall appear to the inspectors, or a majority of them, to be a suitable horse for breeding, they shall deliver a certificate to that effect to the owner of such stallion, free of charge, which certificate shall entitle the owner to keep such stallion on his own premises for his own exclusive benefit.

SECTION 119. The Minister of the Interior shall grant a license, upon the payment of five dollars, to any person presenting a certificate from the inspectors—as provided in section 118—to keep or let the stallion named in such certificate, for the purpose of breeding; provided that the said stallion shall have attained the age of four years. Such license shall be good for two years from its date.

SECTION 120. Every stallion eighteen months old and upwards, running at large, not duly licensed, shall be subject to an annual tax of ten dollars.

SECTION 121. If the owner of any unlicensed stallion shall conceal or neglect to make return of the same, as a stallion, to the tax assessor of his district, he shall be liable to a tax of twenty dollars, for every stallion not thus returned; one-half of which shall be paid to the person giving information to the assessor or tax collector.

TO MANUFACTURERS OF WINE.

SECTION 122. The Minister of the Interior is hereby authorized to grant licenses for the manufacture of wine, provided the applicant for such license shall first file with said Minister a bond in the following form, with one good and sufficient surety:

KNOW ALL MEN BY THESE PRESENTS, that we ——— principal, and ——— surety, residing at ———, in the Island of ———, Hawaiian Islands, are held and firmly bound unto ———, Minister of the Interior, and to his successors in office, in the penal sum of five hundred dollars, to be levied of our respective joint and several property, in case the condition herein set forth shall be violated. For the faithful payment of which we hereby pledge ourselves, our heirs, executors and administrators.

Signed with our hands and sealed with our seals, this ——— day of ———, A. D. 18—.

The condition of this obligation is, that whereas the said ———, principal, has this day obtained a license to manufacture wine out of grapes of Hawaiian growth, for the term of ten years from this date; now if he shall not manufacture wine out of grapes grown in any foreign country; if he shall not manufacture any brandy, rum, or other spirituous liquors; if he shall, on or before the last day of December in each year, furnish the Minister of the Interior with a correct statement, in writing, of the quantity of wine manufactured by him during the past year, and of the quantity sold, and still on hand, then this obligation to be void; otherwise, upon proof being made to the satisfaction of any Police or District Justice, of the violation of any or all of the above conditions the penalty mentioned in the above bond shall be forfeited for the benefit of the Royal Exchequer.

(L. S.) ——— ———, Principal.
(L. S.) ——— ———, Surety.

SECTION 123. Before granting such license, the Minister of the Interior shall demand and receive at the hands of the applicant, for the benefit of the Royal Exchequer, the sum of fifty dollars, besides the customary charges for blanks and stamps.

SECTION 124. Whoever shall manufacture wine for sale without first obtaining a license as prescribed in this article, shall, on conviction thereof, before any Police or District Justice, be liable to the fines and penalties prescribed in the second section of the 42d chapter of the Penal Code.

SECTION 125. Any person obtaining a license to manufacture wine, shall be at liberty to sell domestic wine of his own manufacture, to any person, in such quantity and at such place as he may desire, and shall not be liable for such selling to the penalty prescribed by law for selling spirituous liquors without license.

GENERAL PROVISIONS.

SECTION 126. No license granted to any retail vendor of goods, wares and merchandise, shall be construed to authorize the sale of alcohol, cologne, lavender, or any other alcoholic preparation under the name of perfumery, to be used as a beverage. The absence of the usual qualities of perfumery in any such preparation, shall be regarded, if the same is sold to be used as a beverage, as conclusive evidence of an intention to evade the laws relating to the retail vending of spirituous liquors.

SECTION 127. No victualing house or hotel license shall authorize the sale of peaches, cherries, or other fruits preserved in brandy or spirits of any kind, to be used on or about the premises for which such license is granted. Any such use shall be held as presumptive evidence of an intention to evade the laws relating to the retail vending of spirituous liquors.

SECTION 128. Any person offending against the provisions of the last two preceding sections, shall be subject to a fine of not less than ten, nor more than fifty dollars, for each offense. The Court, in its discretion, may add imprisonment at hard labor for a term not exceeding thirty days.

All spirituous liquors imported under the name of perfumery or preserved fruits, with the intention of evading the laws relating to duties, shall be liable to seizure, condemnation and sale, for the benefit of the public treasury.

ARTICLE III.—OF THE SHIPPING AND DISCHARGE OF SEAMEN.

SECTION 129. It shall not be lawful for the master or commanding officer of any foreign vessel, or of any Hawaiian vessel engaged in foreign trade, under penalty of a fine not exceeding one hundred dollars, to ship or discharge any seaman or other person employed on board of his vessel at any other port or place in the Hawaiian Islands than at Honolulu, Lahaina and Hilo.

SECTION 130. It shall be the duty of the Minister of the Interior to grant, to any person applying therefor, in writing, a license for one year to establish a shipping office, for foreign seamen, at either of the ports of Honolulu, Lahaina, or Hilo.

SECTION 131. Before granting a license to keep a shipping office, the Minister of the Interior shall receive at the hands of the applicant, the sum of forty dollars, and also a bond with good and sufficient sureties, to be approved by the said Minister, in the penal sum of two thousand dollars, conditioned that he shall not charge or demand more than three dollars as a shipping fee, nor more than ten per cent. of the amount advanced, as a surety fee from any seaman shipped at his office; that he will at no time make default in repaying the amount advanced on account of any seaman for whom he may have become surety, and whom he may have failed to deliver on board any vessel, at the time agreed upon by the master or agent of such vessel; and that he will in no case ship a seaman who has not a permit from the Harbor Master. Said bond shall be executed in the presence of, and acknowledged before the Minister of the Interior, who shall forward a certified copy thereof to the Police Justice of the port for which the license is granted, and such copy shall be considered as competent evidence in any case relating to such bond.

SECTION 132. In every case of a suit for a breach of the bond given by any shipping master, the Police Justice of the port shall have jurisdiction over, and may decide the same, without the aid of a jury, subject however, to the right of appeal.

SECTION 133. When the condition of the official bond of any shipping master shall be broken, to the injury of any person, such person may, at his own expense, institute a suit thereon, in the name of the Minister of the Interior, and prosecute the same to final judgment and execution.

SECTION 134. It shall be the duty of every shipping master, to demand and receive the Harbor Master's permit from every seaman whom he may ship, and place the same at the disposal of the Chief of Police at the port, and he shall also deliver to every such seaman a certificate of his shipment, stating the name of the ship on which he is engaged to serve, and the time at which he is to render himself on board.

SECTION 135. Whoever, without a license shall ship a foreign seaman, shall be subject to a fine of one hundred dollars for each offense, upon conviction thereof before a Police Justice: provided, however, that nothing in this section contained, shall be construed to forbid masters of vessels to ship seamen for their own vessels, without the intervention of a shipping master.

AN ACT

TO AMEND SECTION 135 OF THE CIVIL CODE.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

That section 135 of the Civil Code be and hereby is amended, by adding to the end thereof the following, to wit:

To establish the offense contemplated in this section, it is sufficient to prove that the party charged therewith has procured the shipment of a foreign seaman as an agent, for a beneficial consideration, although he may not have demanded or received a shipping fee, or surety fee, by a per centage of the amount advanced to the seaman shipped.

Approved this 20th day of August, A. D. 1868.

KAMEHAMEHA.

KAAHUMANU.

SECTION 136. N... Hawaiian vessel engag... in any port of the Hav... the harbor master of su... or consular agent, gran... han until the written co... ed. Whoever shall violate any of the provisions of this section shall be subject to a fine not exceeding one hundred dollars in the discretion of the Court.

SECTION 137. Upon the application of any consul, vice-consul or consular agent, for the discharge of any foreign seaman, and upon his filing with the harbor master the bond of such seaman, in the penal sum of one hundred dollars, conditioned that he will leave the kingdom within

sixty days from his discharge, and will not be guilty of any breach of the laws during his stay on shore, said harbor master may, if he sees no good reason to the contrary, give his consent to such discharge, and grant a permit to the seaman to remain on shore for sixty days. The seaman's discharge shall be written at the foot of every such permit, and the harbor master shall keep a record of the same.

SECTION 138. In case of Hawaiian vessels engaged in foreign trade, and vessels having no consul resident at the port where they wish to discharge seamen, the harbor master may consent to such discharge, upon the application of the master of any such vessel.

SECTION 139. If at the expiration of the time allowed in the permit of any foreign seaman, he shall not have departed this kingdom, he may, in addition to the forfeiture of his bond, be treated as a deserter: provided always, that the harbor master may, upon satisfactory proof that such seaman is peaceably disposed, from time to time extend the period allowed for his departure, to a further sixty days, without a forfeiture of the condition of his bond.

SECTION 140. No foreign seaman regularly discharged from any vessel, shall be liable for any debts contracted by him within the period of his permit to remain in the kingdom: provided always, that this exemption shall not apply to any period for which his permit may have been extended, beyond the first sixty days.

SECTION 141. No seaman legally attached to any vessel, while lying in any of the ports of this kingdom, shall be liable for any debts he may contract while so attached.

SECTION 142. No master or commanding officer of any foreign vessel, or any Hawaiian vessel engaged in foreign trade, shall ship or take out of the kingdom, on board his vessel, any native as a seaman or otherwise, for his own use or for the use of any other person, without first obtaining the consent of the Governor of the Island, or of his agent, under penalty of a fine not exceeding five hundred dollars, for each offense, to satisfy which his vessel shall be liable to seizure, condemnation and sale.

SECTION 143. No application for the shipment of natives on board a foreign vessel, or Hawaiian vessel engaged in foreign trade, shall be considered legally granted, until the commanding officer shall have made and executed a bond to the governor, or his agent, in the penalty of one hundred dollars for each man, with at least one sufficient surety to be approved by the governor or his agent, in the following form:

KNOW ALL MEN BY THESE PRESENTS, that we ———, master of the ship ——, of ——, in ——, and now destined on a —— voyage, principal, and ——, of —— Hawaiian Islands, surety, are held and firmly bound unto his Excellency ———, governor of the Island of ——, and to his successors in office, and assigns, in the penal sum of —— dollars lawful money, to be levied of the said vessel, whereof the said —— is master, wheresover the same may be, or of our joint and several property, in case the condition herein named shall be violated.

Sealed with our seals, and dated this —— day of ——, 18—.

The condition of this obligation is that whereas the said ——, principal, having made application for the shipment of —— natives of the Hawaiian Islands, (*as sailors or otherwise, as the case may be*) for the term of —— from this date, to serve on board his vessel.

Now if the said —— shall within —— from this date return the said —— natives to the Hawaiian Islands, and shall in all respects comply with the terms of their shipment prescribed in sections 146, 148 and 152, of the Civil Code, then this obligation to be void, otherwise to remain in full force and virtue.

Given under our hands and seals at ——, in the Island of —— the day and year first above written.

—— —— (L. S.)
—— —— (L. S.)

SECTION 144. The governor of the island to whom said bond shall have been given, shall have the power to enforce the same by suit against the obligors therein named, or either of them, or against the vessel for whose use said sailors shall have been shipped. He shall also have power in case of the death of any such sailor, or for other equitable considerations, to remit the penalty of said bond, notwithstanding a violation thereof.

SECTION 145. Whenever the governor, or his agent, shall consent to any shipping, or taking away, of any native, he shall endorse such consent upon the shipping articles of the vessel; and shall receive for each native thus shipped, or taken away, the sum of fifty cents.

146. On the shipping of any native to serve on board of

any vessel bound on a foreign voyage, the master of such vessel shall pay to the governor of the island, or his agent, in lieu of the personal taxes of such native, the sum of two dollars, if the term for which he has shipped shall not exceed twelve months; and if it be for any period over twelve months, the sum of four dollars.

SECTION 147. Every native of this Kingdom who has shipped in a vessel bound on a foreign voyage, the master of which vessel has complied with the provisions of the last preceding section, shall be free from all personal taxes during the period of his service on board of such vessel, and until his return to this Kingdom.

SECTION 148. No portion whatever of the expenses of shipping, or discharging native sailors, shall be paid by them, or be deducted from the share or wages due them, but shall be paid wholly by the master of the vessel.

SECTION 149. Every sailor, whether a native or a foreigner, who shall have been employed on board any vessel, without having made a specific written agreement with the master, or shipping master, or commander of such vessel, respecting his service and wages, shall be entitled to receive compensation for his services, at the highest rate of wages paid to any person of his class on board said vessel.

SECTION 150. The Minister of the Interior shall appoint in each of the ports of Honolulu, Lahaina, and Hilo, one or more agents, in whose presence, or in the presence of whose deputies, all native seamen of this Kingdom shall be shipped, discharged and paid off.

SECTION 151. Every such agent, before entering upon the duties of his office, shall give a bond to said Minister, in the penal sum of two thousand dollars, with good and sufficient sureties to be approved by said Minister, conditioned that he will honestly and faithfully discharge all the duties of his office. Every such agent shall hold office for the term of two years, but may be removed at any time by the Minister of the Interior.

SECTION 152. When any native seaman is discharged from any

whale ship, or other vessel engaged in foreign trade, the master thereof shall, previous to settlement with such seaman, exhibit to the agent appointed by the Minister of the Interior, or to his deputy, a detailed account of the debts incurred by said seaman to said vessel, and the amount of wages earned by said seaman, which account shall, if required, be verified by oath, to be administered by the said agent.

SECTION 153. It shall be the duty of the agent appointed to superintend the shipping and discharge of native seamen, upon the request of any such seaman, to render him all the assistance in his power in making his agreement as to service and wages, with the master of the vessel with whom he is about to ship, and to see that his name is duly entered on the crew list and shipping articles of such vessel, in conformity with the laws of the country to which she belongs.

SECTION 154. It shall not be lawful for said agent to ship any native seaman for a longer term of service than two years.

SECTION 155. It shall be the duty of said agent to keep all bonds for return of native seamen, as provided in section 143; and upon the expiration of the term specified in said bond for the return of any such seaman, it shall be his duty to forward such bond to the district attorney of the island where he is located, and at the same time notify him that its term has expired. Said district attorney shall prosecute the same within twenty days after receiving it, unless instructed to the contrary by the governor of said island.

SECTION 156. In case of the death of any native seaman during the voyage, said agent shall be empowered, in his own name, to demand, sue for, and receive the wages due said seaman, and to pay it over to his legal representatives.

SECTION 157. Said agent, in case of any difficulty with the master of a vessel in relation to the settlement of his account with any native seaman, shall be at liberty to call upon the district attorney of the island where he is located, for his assistance, and said attorney shall render his assistance free of charge.

SECTION 158. The compensation of said agent shall be fifty cents for

each seaman shipped or discharged before him, and two and a half per cent on the amount paid to each seaman; which compensation shall be a full satisfaction for all services rendered. Such compensation shall be wholly paid by the vessel, except the two and a half per cent. commission on the amount paid to each seaman.

SECTION 159. No shipment or discharge of, or settlement with any native seaman, shall be binding upon him unless done in the presence or with the written sanction of the agent appointed by the Minister of the Interior, or of his deputy.

SECTION 160. It shall be the duty of every such agent to make a quarterly report of the transactions of his office, together with the amount of fees and commissions received by him, to the Minister of the Interior.

SECTION 161. The master or owner of every ship or vessel under the Hawaiian flag, arriving from any foreign port, or from sea, at any port of the Hawaiian kingdom shall, before such ship or vessel is admitted to entry, render to the collector of such port, a true account of the the number of seamen who have been employed on board since the last entry at any Hawaiian port; and pay to said collector at the rate of twenty-five cents per month for each and every seaman so employed, which amount such master or owner is authorized to retain out of the wages of said seaman.

SECTION 162. The master of every coasting vessel employed in the carrying trade betweeen the different ports, roadsteads or harbors of the Hawaiian kingdom, shall render quarterly to the Collector General of Customs, or to any collector under his directions, a true list of all seamen employed by him during the preceding three months; and pay to said Collector General, or collector, at the rate of twenty-five cents per month for each and every seaman so employed, which sum said master is authorized to retain out of the wages of such seaman.

SECTION 163. The returns required in the preceding sections shall be made under oath in such manner and form as the Collector General may prescribe. If any owner or master shall make a false return, he shall be deemed guilty of perjury, and be punished accordingly. He

shall also be subject to a penalty of one hundred dollars, for the benefit of the fund hereinafter created, and his vessel be liable to seizure, condemnation and sale, to secure the payment of such penalty.

SECTION 164. The several collectors shall make a quarterly return of the sums respectively collected by them under the foregoing provisions, to the Collector General, who is required to pay over the same, with such amount as he may have received from masters or owners of vessels, into the public treasury, to be held solely as a "Marine Hospital Fund" for the relief of sick and disabled Hawaiian seamen. The Minister of the Interior is hereby authorized to provide out of the same, for the temporary relief and maintenance of such seamen, in such manner as he may deem proper, until hospitals, or other suitable institutions, are established for that purpose within the kingdom.

SECTION 165. Whatever surplus of moneys collected under the foregoing provisions may remain, after defraying the expenses of such temporary relief and support, shall be invested in exchequer bills, or other government securities at the discretion of the Minister of the Interior, until a sufficient fund is accumulated for the purchase of a proper site for a marine hospital, and the erection of suitable buildings thereon, or for the provision of other suitable hospital accommodations for seamen, when it shall be his duty to apply such fund for that purpose. Said minister is authorized to receive at any time, in the name of the government, donations of land, money, or other property for marine hospitals; and the same shall be set apart and applied only to that object.

SECTION 166. If a general or other hospital should be established in any of the seaport towns of the kingdom, the Minister of the Interior may, at his discretion, contract with the same to apply any part of the marine hospital fund to the support thereof, on condition that full provision is made for the accommodation, relief and maintenance, of sick and disabled Hawaiian seamen.

ARTICLE IV.—OF INTERNAL IMPROVEMENTS.

SECTION 167. The Minister of the Interior shall be, and is hereby, charged with the superintendence and management of the internal improvements of the kingdom; and he may, with the approval of the King in Privy Council, appoint an officer, to be styled the Superintendent of Public Works, to assist him in the discharge of this branch of his duties.

HIGHWAYS AND BRIDGES.

SECTION 168. The Minister of the Interior shall appoint a road supervisor for each taxation district of the kingdom: provided always, that the same person may be appointed road supervisor for more than one district, whenever, in the opinion of said minister, the public good will be promoted by such appointment.

SECTION 169. The road supervisors shall, within their respective districts, have the direction of the public labor on roads, bridges, and all public highways, and disburse all road taxes, and moneys appropriated by the Legislature for roads, highways and bridges, under the instruction of the Minister of the Interior, to whom they shall respectively account for all moneys so expended, furnishing vouchers for the same.

SECTION 170. The governors shall pay over to the road supervisor of each district of their respective islands, the amount of road taxes collected by the tax collector of such district, and shall also furnish said supervisor, with a copy of the tax collector's list of all the people who have not paid the tax in money.

SECTION 171. The road supervisor shall hold office for the term of

two years, unless sooner removed by the Minister of the Interior, and shall receive such reasonable compensation as said Minister may deem just, to be paid out of such moneys as may be appropriated by the Legislature, from time to time, for that purpose.

SECTION 172. The road supervisors may appoint deputies for their respective districts, not exceeding one for every fifty taxable persons in the district, whose only compensation shall be exemption from the road tax.

SECTION 173. Every road supervisor shall, on the 31st day of December of each year, render to the Minister of the Interior, in writing, a detailed report of his transactions during the year preceding, stating the number of persons liable to the road tax in his district; the number of days worked by them; the amount of cash received from the governor and Minister of the Interior; the amount of cash on hand at the commencement of the year; the amount expended, and the amount on hand at the date of the report; the number and condition of Government tools on hand, and the number of days of his own personal service.

SECTION 174. Any road supervisor who shall fraudulently free any person from road labor, not exempted by law, or who shall not cause the persons liable to the road tax to work the full number of days and hours prescribed by law, shall, on conviction thereof, before any district justice, be fined five dollars for each such offense; and all such fines shall be expended as part of the road tax of such district.

SECTION 175. It shall not be lawful for any road supervisor to compel the people of any neighborhood to go more than five miles beyond their residence, to labor on any road, unless by a vote of the people of the district, expressed in a public meeting, called for that purpose by the road supervisor.

SECTION 176. The road supervisors in case of refusal to work, or disorderly or mutinous conduct, on the part of any workman, shall have the power to authorize and require any constable to apprehend the offender, and take him before any district justice, who shall, unless good cause be shown to the contrary, sentence such offender to a fine not

exceeding five dollars, or imprisonment at hard labor not more than five days.

SECTION 177. It shall be the duty of every man liable to the road tax to appear punctually at the time appointed for work, with suitable implements, and to work diligently as directed by the supervisor, otherwise he shall be subject to a fine not exceeding five dollars.

SECTION 178. Should any one find it inconvenient to work in person, at the time appointed, he may employ a substitute, or he shall pay to the supervisor fifty cents for each day on which he fails to work.

SECTION 179. It shall be lawful for the several road supervisors to commute for the labor tax on roads with the employers of all persons, employed by the month or year, either to complete a certain amount of work on the roads, or to work by the day, with carts, plows, or other implements, as may be agreed upon.

SECTION 180. It shall be the duty of each road supervisor to surrender to his successor in office, all accounts and other papers relating to the office, and all public moneys he may have on hand, together with all implements belonging to the government which may be in his possession.

SECTION 181. It shall be the duty of the several road supervisors, so far as practicable, to use part of the road labor at their disposal, in keeping the public roads clear of *oi*, *kikania*, wild indigo, and other noxious weeds and plants.

SECTION 182. Upon a written complaint being brought before the Minister of the Interior, signed by at least twelve of the inhabitants, of any district, setting forth that the road supervisor of the district is guilty of a breach of the law, specifying the particular charges against such supervisor, it shall be the duty of said minister to give such complaint a hearing, and upon proper cause being shown, to dismiss said supervisor from office.

SECTION 183. Every person who is liable to the road tax, shall be

liable to work out such tax, within ten months after the enumeration shall be placed in the hands of the tax collector, in the district where he may be located on the labor day appointed by the road supervisor for that district, unless he be provided with a certificate from some road supervisor, that he has already performed his labor, or, from the tax collector, that he has paid his commutation for the year, in some other district.

SECTION 184. Upon the request of fifty or more poll-tax payers, of any district, to the Minister of the Interior, that a new road be opened, or that an old road be shut up in that district, said minister may appoint a jury of twelve persons, to decide on the propriety of the measure proposed, and their decision, when agreed to by at least nine of said jury, shall be acted upon by the road supervisor of such district.

SECTION 185. In laying out any new road, or highway, respect shall be had to the private vested rights of property, which any individual may have in the land over which said road or highway shall be intended to pass. It shall be the duty of the road supervisor, immediately after such new road or highway shall have been determined upon, to cause notices to be posted along the line of the same, advertising the fact, and calling upon all parties interested therein, to bring forward their claims to the nearest Circuit Judge; and it shall be the duty of said Circuit Judge, to forward a list of all such claims to the Minister of the Interior.

SECTION 186. Upon the receipt of such claims, the Minister of the Interior may appoint a commission of three disinterested persons, to assess the value of the private property so required for the public use, and also the damages, if any, likely to be sustained by the owner, whose decision shall determine the price to be given by the Government for such private property; and said commission shall send a certified copy of their decision to the Minister of the Interior, and another to the party making the claim.

SECTION 187. Upon delivery of said decision to the owner of the land, the property assessed shall revert to the Government for the public use intended, without further conveyance; and the holder of such decision shall present the same to the Minister of the Interior for adjustment, pursuant to the provisions of the next succeeding section.

SECTION 188. The Minister of the Interior shall have power to compound with the holder of any such decision, in any way he may deem most advantageous to the Government, by the substitution of other land, in lieu of that appropriated for the public good; and he shall have the power to draw upon the Minister of Finance, for the payment of any awards he may not have been able to cancel by substitution, out of any moneys which may have been appropriated for that purpose by the Legislature.

OF HARBORS, CHANNELS, BUOYS, BEACONS, WHARVES AND WATER WORKS.

SECTION 189. It shall be the duty of the Minister of the Interior to superintend all harbor improvements; the demarkation and improvement of channels; the erection of all public lights and beacons; and the construction and repair of all public wharves and piers throughout the kingdom.

SECTION 190. The said Minister of the Interior may, under the direction of the King, improve the water-lots in Honolulu, known as Waikahalulu, by causing a retaining wall to be erected at a suitable depth of water seaward, and by filling up said lots, in such manner as that warehouses may be safely built thereon. He may also build out from said retaining wall such wharves as the public wants may require.

SECTION 191. The Minister of the Interior shall have the general charge of the pipes or conduits of water to supply the town and harbor of Honolulu. He may, from time to time, regulate the rates of supply to ships, and to parties on shore, and establish all such rules as may be needful for the public interests.

SECTION 192. The said Minister shall appoint some discreet and capable person, to be superintendent of water-works, whose duty it shall be to keep the conduits or pipes for the conveyance of water in repair; collect all water rates from ships and persons in Honolulu, or its vicinity, and perform such other duties in connection therewith, as the said minister may prescribe.

SECTION 193. The superintendent of water-works shall receive for his compensation such sum as may be fixed by the Minister of the Interior, not exceeding however fifteen per cent. of the gross amount of water rates he may collect. He shall make under oath a quarterly return, or at any time when required by the said minister, of all his receipts and expenditures.

OF PUBLIC MARKETS.

SECTION 194. The Minister of the Interior, under the direction of the King, is hereby charged with the designation of suitable places to be used as public markets, and with the construction, repair and regulation of all such markets.

SECTION 195. Said minister, with the approval of the King, may appoint a clerk of the markets at Honolulu, and also clerks of the markets at other places, whenever the public good may require the same.

SECTION 196. Every clerk of a market thus appointed shall, before entering upon the duties of his office, execute a bond in the penal sum of one thousand dollars, with sufficient surety or sureties, to be approved by the Minister of the Interior, payable to said minister for the use of the public exchequer, and conditioned for the faithful performance of his official duties.

SECTION 197. Every clerk of a market shall faithfully collect the market fees and fines, as they may be prescribed, from time to time, by the Minister of the Interior, with the approval of the King, keeping an account of the same in a suitable book or books, and shall quarterly render a true and faithful account of all moneys received by him in virtue of his office, and pay the same over to said minister.

SECTION 198. It shall be the duty of every clerk of a market to designate and declare to what uses and purposes the stalls and stands of said market shall be appropriated; and from time to time to lease the

same by auction, or otherwise, as the Minister of the Interior may direct. The rents of all markets shall be paid in advance, and shall be collected and accounted for by the respective clerks.

SECTION 199. It shall be the duty of every clerk of a market to cause all dirt and filth which may accumulate in said market, to be removed daily, and in all other respects to keep said market in a pure, clean and healthy condition. To enable him to do this, he shall have the power to prescribe such rules and regulations for the observance of those occupying stalls and stands in the market, as may be necessary to keep the same pure and clean, and as the Minister of the Interior may approve.

SECTION 200. It shall be the duty of every clerk of a market once in every month, and whenever requested so to do by any purchaser in said market, to inspect all the weights, measures and beams used in weighing and measuring in such market; and, at the expense of the owners, to make them conform to the standard weights and measures of the kingdom; and if any person shall refuse to exhibit his weights and measures, or to make them conform to those established by law, he shall be fined twenty-five dollars.

SECTION 201. Any person using any weights or measures in a public market, not approved by the clerk of such market, shall be fined ten dollars, and he shall besides be liable in ten fold damages to any person injured by his conduct.

SECTION 202. Every day in the week, except Sunday, shall be a public market day; and it shall be the duty of every clerk of a market to attend such market on market days, and to enforce the laws and regulations applicable to the same.

SECTION 203. The public markets shall be opened upon every market day, from the hour of five o'clock in the morning, until seven o'clock in the evening—and no longer, except on Saturday, when they shall be kept open until ten o'clock in the evening.

SECTION 204. Every person who shall violate any of the rules and regulations prescribed for the government of any public market, unless

otherwise specially provided for, shall be fined five dollars for each offense; and it shall be the duty of the clerk of such market to prosecute all such offenders.

SECTION 205. The salaries of all clerks of markets shall be fixed by the Minister of the Interior, with the approval of the King.

AN ACT
TO AMEND SECTION 204 OF THE CIVIL CODE.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That from and after the date of the passage of this Act, section 204 of the Civil Code be and the same is hereby amended to read as follows, viz:

SECTION 204. Every person who shall violate any of the rules and regulations prescribed for the government of any public market or markets, or who shall stand or occupy for the sale or vending of any poi, fish, crawfish, oysters or shell fish, or any kind of fruit or vegetables, in any street in the city of Honolulu, shall be fined one dollar for such offense, and it shall be the duty of the Clerk of the Market to prosecute all such offenders: Provided, however, that the fines mentioned in this section shall not be imposed until such time as suitable markets and conveniences are set apart for the public use by the Minister of the Interior.

Approved this 21st day of August, 1860.

KAMEHAMEHA.

KAAHUMANU.

SECTION [illegible] roval of the King in C[illegible] uch suitable prisons, jai[illegible] y be necessary for th[illegible] oying of all persons dul[illegible] of the King in Cabinet Council, to prescribe rules and regulations for their government and discipline.

SECTION 207. The Marshal of the kingdom is responsible for the safe keeping of all prisoners; and therefore, he shall have the nomination and appointment, with the approval of the Minister of the Interior, of all jailors and other prison officers, who shall hold office during the pleasure of said Marshal. Such jailors, and other officers, shall be men of sobriety, honesty and industry.

SECTION 208. The Marshal shall cause to be kept, in every prison, a journal, in which shall be regularly entered the reception, discharge, death, pardon, or escape of any prisoner; and also all punishments that are inflicted for a breach of prison discipline, as they occur, and all other occurrences of note that concern the state of the prison.

SECTION 209. On the commitment of any prisoner, there shall be entered on the journal the sex, age, height and personal description of such prisoner, his last place of abode, and place of nativity.

SECTION 210. The Marshal shall cause to be kept an exact account

of all the receipts and expenditures of each prison, and make a monthly report of the same to the Minister of the Interior.

SECTION 211. Said Marshal shall cause each prison to be kept in a clean and healthy condition, and the whole interior thereof shall be thoroughly whitewashed with lime, once in every three months.

SECTION 212. Said Marshal shall provide for each prisoner, who may be able and desirous to read, a copy of the Bible, or of the New Testament, to be used by such prisoner at proper seasons; and any minister of the Gospel disposed to aid in reforming the prisoners, and instructing them in their moral and religious duties, shall have access to them at seasonable times when not required to be employed in labor.

SECTION 213. All prisoners confined only in order to secure their attendance as witnesses, shall be under no other restriction than what is necessary to prevent their escape from prison. Every such prisoner shall be immediately liberated on his giving security for his appearance to testify, as required by law.

SECTION 214. No wine, or intoxicating liquor, or any article prohibited by the prison rules, shall be used by any prisoner; and any person who shall furnish any such drink to any prisoner, unless the same be prescribed by a physician as a medicine; or who shall furnish any other prohibited article contrary to the provisions of the prison rules, shall be fined not exceeding two hundred dollars, or imprisoned at hard labor not exceeding two years, in the discretion of the Court; and if an officer, in addition thereto, be dismissed; and any Police, or District Justice, shall have jurisdiction of any case arising under this section.

SECTION 215. All prisoners sentenced to imprisonment at hard labor shall be constantly employed for the public benefit, on the public works, or otherwise, as the Marshal, with the approval of the Minister of the Interior, may think best.

SECTION 216. When such prisoners cannot be well employed in the performance of any public work, the Marshal, with the approval of the Minister of the Interior, may let them out to labor for private indi-

viduals, upon such terms as he may deem proper: provided, always, that such prisoners shall be locked up within the prison every night.

SECTION 217. Female prisoners shall be kept entirely separate from the male prisoners, and shall be employed in making mats, in sewing, in washing the clothes of the prisoners, and in such other suitable occupations as the Marshal shall direct.

SECTION 218. The King, His Ministers, the Governors, the Judges of the Supreme and Circuit Courts, members of the Legislature, of the Board of Education, and the Diplomatic and Consular Agents of foreign nations, shall be allowed at suitable hours, freely to visit any prison.

SECTION 219. None but official visitors named in the last preceding section, shall be allowed to visit any prison, or to have any verbal or written communication with the prisoners, unless with permission of the Marshal or the keeper of the prison: nor shall any visitor whatever deliver or receive from any of the prisoners, any letter or message, or supply any of them with any articles of any kind, except with the permission of, and through the Marshal, or keeper of the prison, under penalty of not less than five nor more than two hundred dollars.

SECTION 220. The pay of prison officers shall be determined and regulated by the Minister of the Interior.

SECTION 221. When any person shall be sentenced to pay a fine, and to be imprisoned until such fine is paid, the time of his imprisonment shall be deemed to discharge his fine, at the rate of twenty-five cents per day.

SECTION 222. Every person sentenced to imprisonment for life, shall be considered as civilly dead, and the same disposition shall be made of his estate, as if he had died on the day sentence was pronounced; and any last will and testament, or codicil, he may have made prior to that time, shall take effect in the same manner as if he had died on that day.

SECTION 223. But no disposition of any estate, either by will or

otherwise, after the arrest for crime of which the prisoner was convicted, whether the sentence is for life or otherwise, shall have any advantage or preference over the claim of any person entitled to damages for a private injury committed by the criminal, unless such disposition was made for a valuable and equivalent consideration, to a person ignorant of the arrest.

SECTION 224. Whenever a convict is condemned to imprisonment less than for life, any judge having probate powers may, upon due application, appoint a guardian to have the care and management of said convict's estate, real and personal, during the term of his imprisonment. The letters of guardianship shall be revoked by the pardon or discharge of the convict, but such revocation shall not invalidate legal acts done by the guardian.

SECTION 225. Every guardian so appointed for any convict, shall pay all the just debts due from the convict, out of his personal estate, if sufficient, and if not, out of his real estate, upon obtaining license for the sale thereof from the Judge; he shall also settle all accounts of said convict, and demand, sue for, and receive all debts due to him, and may, with the approbation of the Judge, compound for the same and give a discharge to the debtor; and he shall appear for and represent his ward, in all legal suits and proceedings, unless when another person is appointed for that purpose.

SECTION 226. Such guardian shall have all the rights and duties, as well as the responsibilities, respecting the management and disposal of the convict's estate, as appertain to the guardian of a minor, or insane person. He shall manage the estate frugally and without waste, and apply the profits thereof, so far as may be necessary, for the comfortable and suitable maintenance of the convict's family, if there be any, and if the profits shall be insufficient for that purpose, he may sell the real estate and apply the proceeds thereto, upon obtaining the license of the Judge.

SECTION 227. Such guardian may be removed, and another guardian appointed in his place, whenever the Judge shall think there is just cause for removal.

SECTION 228. Every such guardian shall have such compensation for his services as the Judge before whom his accounts are settled shall consider just and proper, and he shall also be allowed the amount of all his reasonable expenses.

SECTION 229. All property given, or in any manner whatsoever accruing to a convict, shall vest in his guardian, if he be sentenced for a term of years, to be disposed of in like manner with his other property; or if he be sentenced for life, shall vest in his heirs.

SECTION 230. Until a lunatic asylum is created by law, any lunatic or insane person, whose lunacy or insanity is established by the court of proper jurisdiction, may be committed to any prison, jail, or house of correction, there to be provided for and safely kept until lawfully discharged. The estate of such person shall in all cases be liable for the payment of his necessary expenses, and it shall be the duty of his guardian, or other legal representative, to make such payments, from time to time as may be ordered by said Court.

OF THE POUNDS—OF ESTRAYS—BRANDS AND MARKS.

SECTION 231. It shall be the duty of the Minister of the Interior, through the several governors, to construct and set apart a suitable enclosure or enclosures in each district of their respective islands, for the impounding of estrays; and he shall give notice of their location and extent in some public newspaper.

SECTION 232. The respective governors shall appoint suitable persons to have charge of said pounds; and such pound-masters shall be governed by such rules as the law may, from time to time, prescribe.

SECTION 233. The several pound-masters shall be liable for the safe keeping and good usage of any estray committed to their charge, and shall receive for their services fifty cents per day, from the owner of said estray, when impounded in either of the districts of Honolulu or Lahaina,

and in all other districts the rate shall be twenty-five cents per day, excepting for sheep and goats, which shall be six cents per day. They shall give the estrays a reasonable quantity of food and water; and if any pound-master shall starve any such estray, he shall not be entitled to receive any pound fees for such estray, and he shall also be liable to the owner thereof for damages.

SECTION 234. The pound-master may take and certify the depositions under oath, of every person who shall impound any estray, setting forth the land upon which such estray had trespassed, and the name of the owner of such estray, if known; and shall keep a record of such depositions, which shall be open for the inspection of the public.

SECTION 235. Every pound-master shall keep an accurate account of the business done at his pound, in a book open to public inspection; and he shall make quarterly returns under oath, to the governor of the island, showing his receipts and disbursements.

SECTION 236. No pound-master shall, knowingly, receive into his pound any animal seized for committing trespass in any other district, provided there is a pound established in such other district.

SECTION 237. It shall be the duty of every pound-master to publish in some newspaper, if any be published on his island, both in the Hawaiian and English languages, or post written notice weekly, in both languages, in three public places in his district, and also to cause to be proclaimed *viva voce*, in said languages, weekly, an account of all estrays in his pound; and it shall be the duty of every pound-master to inform, by mail, every individual out of his district, who shall leave with him a copy of his brand, of any estray bearing the said brand, which shall be lodged in the pound under his charge; and if the owners do not claim such estrays, and pay the pound fees, within thirty days from the date of the impounding, it shall be lawful for the pound-master to sell such estrays at public auction.

SECTION 238. The proceeds of such sale, after paying the pound fees, expenses of advertisement, proclamation and sale, and also all damages, shall be retained by the pound-keeper for the use of the owner of the

estray, in case he shall substantiate his claim thereto within one year from the sale; and in case he shall fail so to substantiate his claim, such balance of proceeds shall be paid over to the governor, for the benefit of the public treasury.

SECTION 239. If any horse, mule, ass, hog, goat, sheep or neat cattle, shall trespass on any cultivated ground, the owner of such animal, or animals, shall forfeit and pay to the owner of the ground, the sum of fifty cents for the trespass of each animal, excepting sheep and goats, for which he shall pay only six cents each; and if any production of the land be destroyed, or other damage done by the animal, or animals, the owner thereof shall further pay to the land-owner the full amount of such damage or loss: provided, however, that if in any particular case, this provision shall have an onerous or unjust bearing, owing to the large number of animals trespassing, the Judge shall have power to diminish the forfeiture.

SECTION 240. If any of the animals enumerated in the last preceding section, shall trespass on any uncultivated land, the owner of such animal, or animals, shall forfeit and pay to the owner of the ground, twelve and a half cents for the trespass of each animal, excepting for sheep and goats, for which he shall pay six cents per head; and if any damage be done by the animal, or animals, the owner thereof shall further pay to the land-owner the full amount of such damage: provided, however, that if in any particular case, this provision shall have an onerous and unjust bearing, owing to the number of animals trespassing, the Judge shall have power to diminish the forfeiture.

SECTION 241. If the owner of any animal, or animals, trespassing, be not known to the owner of the land, or if being known, he shall refuse to pay the forfeitures and damages as prescribed by law, then the owner of the land trespassed upon, may, after giving notice to the owner of such animal, or animals, when known, or without such notice when the owner is not known, impound the same forthwith.

SECTION 242. If any of the animals enumerated in section 239, shall trespass upon land enclosed by a lawful fence, the owner of such animal, or animals, shall forfeit and pay to the owner of the land, if cultivated,

twice the penalty prescribed in section 239; and if the land is uncultivated, twice the penalty prescribed in section 240; and he shall also pay in each case the full amount of damage done by such animal, or animals.

SECTION 243. Every fence shall be deemed a lawful fence which is five feet high, if made of stone; or which is five feet high, if a hedge, or if made of wood, iron wire, or an artificial pali; or which is two feet high, if made upon an embankment of a ditch three feet deep, and at least two feet wide at the bottom, or upon an artificial or natural pali, three feet high. If the fence be a ditch only, then it shall be nine feet wide at the top, and four feet deep. Every fence to be a lawful fence, shall be substantially built, and reasonably strong and close to turn stock.

SECTION 244. Whenever any dispute arises between the owner of the land trespassed upon, and the owner of the animal, or animals, trespassing, the latter may have the animal, or animals, returned to him, within twenty-four hours of the time of his receiving notice of the trespass, upon his delivering to the owner of the land, or to the pound-keeper, if the animal, or animals, have been impounded, a certificate from any District Justice, or Police Justice of the district, stating that he has deposited with such Justice the amount claimed by the owner of the land, or a good and sufficient bond for that amount, together with the costs of a civil suit before him. If the animal, or animals, have been impounded, the Justice shall determine which of the parties is to pay the pound fees.

SECTION 245. The said Justice shall, upon receiving the amount claimed, or a good and sufficient bond for such amount, and the costs of suit, issue the required certificate, and summon the parties to appear before him with their witnesses, and after a fair hearing, he shall decide between them. No appeal shall be allowed from his decision, unless taken within five days after such decision has been rendered. In case an appeal is taken, the Justice shall retain in his possession the money, or bond deposited with him, subject to the order of the court to which appeal is taken, and shall also require from the appellant a bond in the sum of fifty dollars, conditioned for the payment of the costs further to accrue, in case he is defeated on appeal.

SECTION 246. If any person shall set the confined animal of another at liberty, in order that it may trespass on any cultivated ground, or shall by any means designedly decoy any animal to commit a trespass, he shall, for every such offense, forfeit and pay for the benefit of the public treasury, the sum of one hundred dollars, or be imprisoned at hard labor not less than six months, nor more than two years.

SECTION 247. Every owner of neat cattle, horses, mules, or asses, shall mark the same by branding, or otherwise, on pain of having his unbranded or unmarked animals impounded, in case of their trespassing, without notice, as set forth in section 241: provided, however, that no person shall mark any animal by cutting off one or both ears, under penalty of five dollars for each and every offense. It shall be the duty of every such owner to deposit with the governor of the island on which his animals are kept, an impression of his brand, or a description of his mark; and the governor shall deliver to such owner a certificate of such deposit, upon receiving the sum of one dollar for the benefit of the public treasury. Nothing contained in this section shall be construed to apply to animals under the age of one year.

SECTION 248. The respective governors shall keep, in a book open to public inspection, a record of all brands and marks deposited with them pursuant to the last preceding section; and said governors shall not grant certificates for the same mark or brand, to two distinct persons on any one island.

SECTION 249. Any person who shall obliterate any brand, or mark, on any animal, by placing another brand or mark over the same, or otherwise, although without a felonious intent, shall be subject to a fine not exceeding twenty dollars, in the discretion of the Court, for every brand or mark so obliterated.

SECTION 250. If any of the animals enumerated in section 239, shall be found at large, and not upon the land of the owner, or person having charge of such animal; or if found doing damage to the property of private individuals, or of the government, such animal shall be regarded as an estray within the meaning of this article.

OF THE IMPROVEMENT OF AGRICULTURE AND MANUFACTURES.

SECTION 251. It shall be the duty of the Minister of the Interior to watch over the great interests of agriculture, and to do all in his power to promote its improvement, by the collection and distribution of seeds and plants, and by every other means within the scope of his department.

SECTION 252. Whenever any agricultural society shall have raised, by contribution of individuals, or otherwise, the sum of five hundred dollars, to be appropriated in the granting of premiums, or otherwise, for the encouragement of agriculture, or the improvement of the breeds of stock, within the kingdom, the treasurer of that society, on presenting satisfactory evidence of that fact to the Minister of the Interior, shall be entitled to receive at His Majesty's treasury the like sum of five hundred dollars, to be added to the funds of the said society: provided always that no such society shall receive from the treasury more than five hundred dollars, in any one year.

SECTION 253. Every such agricultural society shall, under penalty of forfeiting the grant mentioned in the last preceding section, furnish the Minister of the Interior, annually, in the month of January, with a true statement of the amount raised by such society, from private contributions, or other sources, during the year immediately preceding; also with a correct statement in detail of the expenditures of said society, in premiums, or otherwise, during the same period.

SECTION 254. Every agricultural society, which shall receive the said allowance from the public treasury, shall offer, annually, by way of premiums, or shall apply otherwise, at their discretion, for the encouragement or improvement of agriculture, stock or manufactures, a sum not less than the amount annually received, as aforesaid, out of the public treasury.

SECTION 255. The Minister of the Interior may, with the approval of the King, issue a patent to the inventor or improver of any machine,

manufacture, or other work of art, calculated to promote the interests of science, agriculture, or manufactures; and may therein, grant to such inventor or improver the exclusive use and benefit of his invention or improvement, for any term of years, not exceeding ten, that may be specified in such patent.

SECTION 256. Every such inventor, or improver, shall, before receiving a patent, deliver to the Minister of the Interior, a full and clear description, in writing, of his invention or improvement, together with the mode of using or applying the same to the purpose for which it is intended, and the manner and process of making, constructing or compounding the same; and in case of any machine, he shall also furnish in addition to the written description, accurate drawings, and a complete model thereof.

ARTICLE V.—OF THE INTERNAL POLICE.

SECTION 257. There shall be appointed by the King, upon the nomination of the Minister of the Interior, some person of good moral character and discretion, to be chief of Police, who shall be styled the Marshal of the Kingdom, and who shall hold office during his Majesty's pleasure, subject, however, to removal at any time, upon the representation of the Supreme Court, for corruption, misconduct, or incompetency. He shall reside and keep an office at the seat of government.

SECTION 258. Before entering upon the duties of his office, such Marshal shall give a bond to the Minister of the Interior, in the penal sum of five thousand dollars, with sufficient surety, or sureties, to be approved by said Minister, conditioned that he will faithfully execute all process directed to him by any of the courts of this kingdom; that he will faithfully account for and due return make of all fines, penalties, and moneys collected by him; that he will safely keep all prisoners duly committed to his custody; that he will in all things, well and truly

without malice or partiality, perform the duties of his office, and take only the lawful fees of his office.

SECTION 259. The bond given by the Marshal of the kingdom for the faithful performance of his duties, shall be filed and recorded in the office of the Minister of the Interior, and copies thereof certified by the said minister, under the seal of his department, shall be competent evidence in any court of justice.

In case of any breach of the condition of any such bond, any person thereby injured, may institute a suit upon such bond, in his own name, and for his sole use, and thereupon recover such damages as shall be legally assessed, with costs of suit; for which execution may issue for such person; and in case such person shall fail to recover in the suit, judgment may be rendered, and execution may issue for costs in favor of the defendant against the party who shall have instituted the suit, and the Hawaiian Government shall in no case be liable therefor.

Such bond shall, after any judgment rendered thereon, remain as a security for the benefit of any person injured by the breach of the condition thereof, until the whole penalty shall have been recovered; and the proceeding shall always be in the same manner as hereinbefore directed.

Every suit on any such bond shall be commenced within two years after the right of action shall have accrued, and not afterwards; saving, nevertheless, the rights of infants, femmes coverts, and persons non compos, so that they sue within one year after the disabilities are removed.

SECTION 260. It shall be the duty of said Marshal to preserve the public peace of the kingdom; to have the charge and supervision of all jails, prisons and houses of correction, and to safely keep all prisoners committed thereto; to execute all lawful precepts, and mandates directed to him by the King, or by any judge, court, minister or governor; to arrest fugitives from justice, as well as all criminals and other violators of the laws; and, generally, to perform all such other duties as may be imposed upon him by law.

SECTION 261. Said Marshal shall have power, with the approval of the respective governors, to appoint a deputy in each gubernatorial division of the kingdom, who shall he styled the Sheriff of such division;

and said Marshal and his deputies may command all necessary assistance, civil or military, in the execution of their duties.

SECTION 262. Every Sheriff before entering upon the duties of his office, shall give a bond to the Marshal in the penalty of two thousand dollars, with such surety or sureties as he shall approve, conditioned that he will, to the best of his ability, preserve the public peace and the laws of the kingdom; that he will faithfully execute all lawful process placed in his hands for execution; that he will faithfully account for and due return make of all fines, penalties, and moneys collected by him; that he will safely keep all prisoners duly committed to his custody; that he will in all things well and truly, without malice or partiality, perform the duties of his office, and take only the lawful fees of his office.

The bonds of the respective Sheriffs shall be filed and recorded, in the office of the Minister of the Interior; and all the provisions of section 259, applicable to the bond of the Marshal, shall be equally applicable to the bonds of his deputies.

SECTION 263. The sheriffs shall hold office during the pleasure of the Marshal, but may be removed at any time by the Supreme Court, or any Circuit Court.

SECTION 264. Said Sheriff, upon approval of the Marshal, shall have power to appoint deputies in their respective divisions, for whose official acts they shall be severally responsible, and from whom they may exact bonds of private indemnity.

SECTION 265. The Marshal and respective Sheriffs shall receive in full payment of their services, such annual salaries or compensation as may, from time to time, be prescribed by the Legislature: provided, however, that the fees received for the arrest of deserting seamen, shall belong to the respective sheriffs.

SECTION 266. The governors of the kingdom shall appoint a certain number of constables for each district in the islands under their respective jurisdictions, who shall be under the control of the Marshal and his deputies; but they may be removed at any time by the Governors, Marshal, any Judge of a court of record, or Police Justice.

SECTION 267. The number of regular constables shall not exceed, for the island of Oahu, one hundred; for the island of Maui, and its dependencies, one hundred; for the island of Hawaii, one hundred; and for the islands of Kauai and Niihau, forty: provided, always, that nothing in this section contained shall be construed to prevent the respective governors from appointing any number of special constables, to serve without pay, in case of, and during any great emergency. The pay of all regular constables, when not otherwise provided for by law, shal lbe determined by the Marshal, and the respective governors and sheriffs of the islands on which they are employed.

SECTION 268. In all cases in which the Marshal, or any sheriff, deputy sheriff or constable, shall be a party, plaintiff, or defendant, the officer so interested shall not be competent to execute any process in such case; and the court, when it becomes necessary, may appoint some disinterested person to act as a substitute for such officer to execute such process, who shall, in all respects, be accountable to the court for his conduct.

SECTION 269. In case of the death or removal of the Marshal, his deputies shall continue in office, unless otherwise specially removed, until another Marshal shall be appointed.

SECTION 270. Every Marshal or his Deputy, when removed from office, or when the term for which the Marshal is appointed shall expire, shall have power notwithstanding, to execute all such process as may be in their hands, respectively, at the time of such removal or expiration of office, and the Marshal shall be held answerable for the delivery to his successor, of all prisoners which may be in his custody at the time of his removal, or when the term for which he is appointed shall expire, and for that purpose, may retain such prisoners in his custody until his successor shall be appointed and qualified as the law directs.

SECTION 271. Whenever the Marshal or any Sheriff, shall sell any real property by virtue of process from any Court, and shall die, or be removed from office, or the term of his commission expire, before a deed shall be executed therefor, by him to the purchaser, the purchaser or plaintiff at whose suit the sale was made, may apply to the Court from which

the process issued, setting forth the case and assigning the reason why the title was not perfected; and thereupon the Court may order the Marshal or Sheriff, for the time being, to perfect the title and execute a deed to the purchaser, he paying the purchase money and costs remaining unpaid.

Whenever the Marshal or any Sheriff, shall take in execution any real property, and shall die, or be removed from office, or the term of his commission expire, before sale, or other final disposition made thereof, his successor shall have power to proceed under such execution, in the same manner as such Marshal or Sheriff could have done if he had not died, or been removed, or the term of his commission had not expired.

SECTION 272. The Marshal and the respective Sheriffs, shall file all warrants, mittimuses, processes, and other official papers, or the attested copies of them, by which any prisoner shall have been committed or liberated, and they shall be safely kept in a suitable box for that purpose, and upon the expiration of his commission, or upon his death, resignation or removal from office, shall be delivered over to his successor, together with all other official records, papers and journals; and in default of such delivery, such Sheriff, or his executors or administrators, shall forfeit the sum of two hundred dollars, to be recovered to the use of the public treasury.

SECTION 273. All process of any Court of Record shall be addressed to the Marshal or one of his deputies, and it shall be the duty of such Marshal, his Sheriff, and their deputies, to execute the same at their peril, according to the tenor thereof; and they shall not be liable for any damage resulting from the execution of such process.

SECTION 274. The Marshal, any Sheriff, Deputy Sheriff, or constable, may decline to levy upon, or sell the alleged property of any defendant, upon any suit or execution, unless the plaintiff shall tender to him a satisfactory bond of indemnity, against the claims of third parties.

SECTION 275. Whenever any claim to property seized or levied upon by an officer, shall be interposed by any person other than the defendant, such officer shall have the power to select and impanel a jury of twelve

disinterested men, who shall try the question of the ownership of the property claimed. The verdict of such jury shall not be conclusive upon the parties, but shall, if they find the ownership not to be in the debtor, justify the officer in releasing said property from execution, unless a satisfactory bond of indemnity be tendered him by the plaintiff. If such bond be tendered, the officer shall proceed to sell the property, notwithstanding the finding of the jury.

SECTION 276. The respective Sheriffs shall, quarterly, render to the Marshal a true account of all fees, fines, and other moneys, which they shall have received by virtue of their office.

SECTION 277. The Marshal shall keep a true account of all moneys received by him from his deputies or otherwise, by virtue of his office; and quarterly render to the Minister of the Interior a true account of the whole amount so received by him, together with the report of such other matters relating to the police department as he may deem proper.

OF THE PUBLIC HEALTH.

SECTION 278. There shall be appointed by the King in Privy Council, upon the nomination of the Minister of the Interior, a Board of Health for the Kingdom, consisting of three persons, who shall serve during the King's pleasure, and be charged with the general oversight and care of the public health.

SECTION 279. It shall not be lawful for any foreigner, whether naturalized or otherwise, to practice in this Kingdom as a physician or surgeon, for compensation or reward, unless he shall have first presented to the Board of Health or to such examiners as said Board may appoint for that purpose, satisfactory evidence of his professional qualifications and good moral character, and obtained a certificate of approval from said Board, and a license from the Minister of the Interior. Any person violating the provisions of this section shall, upon conviction thereof, be liable to a penalty of one hundred dollars for each offense.

SECTION 280. Said Board of Health may appoint suitable agents in such localities as it may deem necessary, to carry into effect all regulations for the public health; and it shall hold such agents accountable for all moneys received and disbursed by them, on account of the public health, and also for the manner in which they may discharge their several duties.

SECTION 281. The Board of Health shall make such regulations respecting nuisances, sources of filth, and causes of sickness, within the respective districts of the Kingdom, and on board of any vessels, as it shall judge necessary for the public health and safety.

SECTION 282. Said Board shall also make such regulations as it may judge necessary for the public health and safety, respecting any articles which are capable of containing, or conveying any infection or contagion, or of creating any sickness, when such articles shall be brought into, or conveyed from any district, or into or from any vessel.

SECTION 283. Said Board shall also make all regulations which it may judge necessary, for the interment of the dead, and respecting cemeteries and burying grounds.

SECTION 284. Notice shall be given by the Board of Health of all regulations made by it, by publishing the same in some newspaper of the district, or where there is no such newspaper, by causing them to be posted in three public places of the town or district; and such notice of said regulations shall be deemed legal notice to all persons.

SECTION 285. Every person who shall violate any regulation of the Board of Health, after the same shall have been published, as provided in the last preceding section, shall be fined not exceeding one hundred dollars.

SECTION 286. The Board of Health and its agents, shall examine into all nuisances, sources of filth and causes of sickness, on shore, or in any vessel, and shall cause the same to be destroyed, removed or prevented as the case may require.

SECTION 287. Whenever any such nuisance, source of filth, or cause of

sickness, shall be found on private property, the Board of Health or any health agent, shall order the owner or occupant thereof, at his own expense, to remove the same within forty-eight hours; and if the owner or occupant shall neglect so to do, he shall be fined in a sum not exceeding one hundred dollars.

SECTION 288. If the owner or occupant shall not comply with such order of the Board of Health, the Board or any of its agents, may cause such nuisance, source of filth or cause of sickness, to be removed; and all expenses incurred thereby shall be paid by the said owner or occupant, or by such other person as shall have caused or permitted the same.

SECTION 289. When any person shall be convicted for a common nuisance, that may be injurious to the public health, the Court may, in its discretion, order it to be removed or destroyed, at the expense of the defendant, under the direction of the Board of Health, or otherwise, as it may deem proper.

SECTION 290. Whenever any member of the Board of Health, or its agent, shall think it necessary for the preservation of the lives or health of the inhabitants, to enter any land, building, or vessel, for the purpose of examining into and destroying, removing, or preventing, any nuisance, source of filth, or cause of sickness, and shall be refused such entry, such member or agent may make complaint to any Police or District Justice, who may thereupon issue a warrant directed to any sheriff, deputy sheriff, or constable, commanding him to take sufficient aid, and, being accompanied by such member of the Board of Health, or agent, between the hours of sunrise, and sunset, to repair to the place where such nuisance, source of filth, or cause of sickness, complained of may be, and the same to destroy, remove, or prevent under the directions of such member or agent.

SECTION 291. The Board of Health, and its agents, may establish quarantine grounds in the several districts, as they may judge best.

SECTION 292. The Board of Health may, from time to time, establish the quarantine to be performed, by all vessels arriving at any port of the kingdom; and may make such quarantine regulations, as it shall judge necessary for the health and safety of the inhabitants.

SECTION 293. The quarantine regulations so established, shall extend to all persons, and all goods and effects, ariving in such vessels, and to all persons who may visit or go on board of the same.

SECTION 294. Notice shall be given of such quarantine regulations, by publication in the manner provided in section 284; and after such notice shall have been given, any person who shall violate any such quarantine regulations, shall be fined a sum not less than five, nor more than five hundred dollars.

SECTION 295. Any vessel which shall refuse to submit to quarantine, or which shall leave the quarantine ground before the expiration of the quarantine imposed upon her, or which shall be the means of clandestinely introducing into this kingdom any contagious disease, or any disease dangerous to the public health, shall be liable to seizure, confiscation and sale, for the benefit of the public treasury.

SECTION 296. The Board of Health, and its agents, may at all times cause any vessel arriving, when such vessel, or the cargo thereof, shall in their opinion be foul, or infected, so as to endanger the public health, to be removed to the quarantine ground, and to be thoroughly purified at the expense of the owners, consignees, or persons in possession of the same; and they may also cause all persons arriving in, or going on board of any such infected vessel, or handling such infected cargo, to be removed to some place of safety, there to remain under their orders.

SECTION 297. If any master, seaman, or passenger, belonging to any vessel, on board of which any infection may then be, or may have lately been, or suspected to have been, or which may have been at, or which may have come from, any port where any infectious distemper prevailed, that may endanger the public health, shall refuse to make answer on oath to such questions as may be asked him, relating to such infection or distemper, by the Board of Health, or its agents, such master, seaman, or passenger, so refusing, shall be punished by fine not exceeding five hundred dollars, or imprisonment at hard labor not exceeding twelve months, or both, in the discretion of the court.

SECTION 298. All expenses incurred on account of any person, vessel

or goods, under any quarantine regulations, shall be paid by such person, vessel, or owner of such vessel or goods respectively.

SECTION 299. It shall be the duty of the Marshal, and all officers of police, and physicians, to report to the Board of Health, or its nearest authorized agent, the existence of any nuisance, injurious to the public health, of which either of them may be cognizant, as soon as possible after it shall come to their knowledge.

SECTION 300. It shall be the duty of every physician having a patient infected with the small pox, or any other disease dangerous to the public health, to give immediate notice thereof to the Board of health, or its nearest agent, in writing, and in like manner to report to said Board, or its agent, every case of death which takes place in his practice, from any such disease; and every physician who shall refuse or neglect to give such notice, or make such report, shall be fined for each offense a sum not less than ten, nor more than one hundred dollars.

SECTION 301. It shall be the duty of every householder, keeper of a boarding or lodging house, or master of a vessel, to report immediately to the Board of Health, or its nearest agent, any person in or about their house, or vessel, whom they shall have reason to believe to be sick, or to have died of, the small pox, or any other disease dangerous to the public health, under a penalty of not less than five, nor more than one hundred dollars, for each offense.

SECTION 302. When any person shall be infected with the small pox, or other sickness dangerous to the public health, the Board of Health, or its agent, may, for the safety of the inhabitants, remove such sick or infected person to a separate house, and provide him with nurses and other necessaries, which shall be at the charge of the person himself, his parents or master, if able, otherwise at the charge of the government.

SECTION 303. If the infected person cannot be removed without danger to his life, the Board of Health, or its agent, may make provision for him, as directed in the last preceding section, in the house in which he may be; and, in such case, they may cause the persons in the neighborhood to be removed, and may take such other measures as they shall judge necessary for the public health and safety.

SECTION 304. The Minister of the Interior may establish a hospital on each of the islands of Oahu, Maui, Hawaii, and Kauai, to be under the immediate supervision and control of the Board of Health, which may make rules and regulations for the government of such hospitals; which rules and regulations shall be published for general information.

SECTION 305. For the purpose of removing nuisances, and causes of sickness, the Board of Health may require the Marshal and Sheriffs, to cause the prisoners under their charge to aid in such work.

SECTION 306. In case any moneys are expended by the Board of Health, for any sick person brought into this kingdom in any vessel from abroad, it shall be the duty of said Board, or its agent, to demand the same from the master of the vessel, in which such sick person was brought; and the Collector of Customs shall not grant a clearance to such vessel until the same is paid. The master of such vessel shall be liable for the amount of the moneys thus expended.

SECTION 307. For the purpose of carrying into effect the law relating to the public health, the Board of Health is empowered to draw from the public treasury, and disburse all sums of money that may be appropriated by the Legislature, for the preservation of the public health; and in case pestilence, or contagious disease, shall visit the nation, said Board is empowered to draw from the public treasury, and disburse all such sums as may, from time to time, be appropriated by the King and Privy Council, for the protection of the lives and health of the people. Said Board shall observe the strictest economy in the expenditure of such moneys, and its drafts on the Minister of Finance shall be accompanied by a written statement showing the objects for which the money is to be used.

SECTION 308. The Board of Health shall keep a regular record of its proceedings, and shall, annually, make a full and detailed report of its transactions including an account of its receipts and expenditures, to the Minister of the Interior, who shall lay the same before the Legislature. Said Board shall also, during the prevalence of any severe pestilence, or epidemic, publish a weekly report of the public health.

SECTION 309. The Minister of the Interior shall appoint, upon the

recommendation of the Board of Health, a suitable person to be vaccinating officer in each of the gubernatorial divisions of the kingdom, who shall receive such salary, as may, from time to time, be appropriated by the Legislature, and shall be removable from office at the pleasure of said Minister.

SECTION 310. Each vaccinating officer shall appoint, at least, three convenient places in each school district throughout his division, for the performance of vaccination; and, from time to time, give public notice of the time when he will attend at such places, to vaccinate all persons not already successfully vaccinated who may then and there appear; and also of the time when he will attend at such place, to inspect the progress of such vaccination in the persons so vaccinated.

SECTION 311. The father or mother of every child shall, within six months after the birth of such child, or, in the event of the death, illness, or absence of the father or mother, then the guardian, nurse, or person having charge of such child, shall, within six months after its birth, or at the earliest opportunity after, take such child to the vaccinating officer, for the purpose of being vaccinated.

SECTION 312. Upon the eighth day, following the day on which any child has been vaccinated, the father, mother, guardian, or other person having charge of said child, shall again take such child to the vaccinating officer, that he may ascertain by inspection the result of such operation.

SECTION 313. If the vaccination is found to be successful, the officer shall deliver to the father, mother, or other person having charge of the child, free of charge, a certificate that the child has been successfully vaccinated, and shall note the same in a book to be kept by such officer for that purpose.

SECTION 314. On the presentation of any child to be vaccinated, should the officer deem the child to be in an unfit state to be vaccinated, he may postpone the operation at his discretion, and give due notice to the parents, or person having charge of such child, to reproduce the same for vaccination at a future time.

SECTION 315. The vaccinating officers shall visit the several stations appointed by them, at least once in every six months, and oftener, if required so to do by the Minister of the Interior, or Board of Health.

SECTION 316. Every parent, guardian, or other person having the charge of any child, who shall refuse or neglect to comply with the provisions of the law respecting vaccination, shall be subject to a fine of five dollars; one-half of which shall be paid to the informer.

SECTION 317. The several vaccinating officers shall keep a faithful record of their transactions, and make an annual report of the same to the Minister of the Interior.

OF INQUESTS.

SECTION 318. The Marshal and Sheriffs, and in all other districts than Honolulu, and Lahaina, the several District Justices, shall, ex officio, act as coroners, without any extra compensation.

SECTION 319. As soon as any coroner shall have notice of the death of any person, within his jurisdiction, supposed to have come to such death by poisoning, violence, or in any suspicious manner, he shall forthwith issue his summons to six good and lawful men, of the district where such death may have occurred, or in which the dead body may have been found or is at the time lying, to appear before him at the time and place expressed in the warrant, then and there to inquire upon the view of the body of the deceased, when, how, and by what means he came to his death. All persons summoned to attend on a coroner's jury, shall serve without pay; and if any person summoned to serve on such jury, shall fail to appear, without reasonable excuse therefor, he may be fined by the coroner, not exceeding five dollars; and the coroner may issue process to any constable for the collection of any fines thus imposed.

SECTION 320. If the six jurors summoned shall not all appear, the coroner may summon other jurors from the bystanders, or others, to *complete* the number.

SECTION 321. When the jury is complete the coroner shall call over their names, and then in view of the body, he shall administer to them the following oath:

You solemnly swear that you will diligently inquire, and true presentment make, when, how, and by what means, the person whose body lies here dead, came to his death; and you shall return a true inquest thereof according to your knowledge, and such evidence as shall be laid before you: So help you God.

SECTION 322. The coroner may issue subpœnas for witnesses, returnable forthwith, or at such time and place as he shall therein direct, and may enforce the same by fine or imprisonment, or both, in the discretion of said coroner.

SECTION 323. An oath to the following effect, shall be administered by the coroner to the witnesses:

You solemnly swear, that the evidence which you shall give to this inquest, concerning the death of the person here lying dead, shall be the truth, the whole truth, and nothing but the truth: So help you God.

SECTION 324. The testimony of all witnesses examined before any inquest, shall be reduced to writing by the coroner, or some other person by his direction, and subscribed by the witnesses.

SECTION 325. The jury upon the inspection of the dead body, and after hearing the testimony of the witnesses, and making all needful inquiries, shall draw up and deliver to the coroner, their inquisition under their hands.

SECTION 326. Every coroner's jury shall, if possible, find and certify when, how, and by what means, the deceased person came to his death, and his name if it was known, together with all the material circumstances attending his death; and if it shall appear that he was murdered, the jury shall state who were guilty either as principal or accessory, if known, or were in any manner the cause of his death. The form of the inquisition may be in substance as follows:

An inquisition taken at ——, island of ——, on the —— day of ——, in the year ——, before ——, one of the Coroners of said island, upon the body

of ———, (or, a person) there lying dead, by the oaths of the jurors whose names are hereunto subscribed, who being sworn to enquire when, how, and by what means the said ———, (or person) came to his death, upon their oaths do say, (then insert when, how, and by what person, if known, means, weapons, or instruments he was killed.) In testimony whereof, the said Coroner, and the jurors of this inquest, have hereunto set their hands, the day and year aforesaid.

SECTION 327. If the jury find that any murder, manslaughter, or assault had been committed on the deceased, the coroner shall bind over by recognizance; or, if necessary, commit to jail such witnesses as he shall think proper, to appear and testify upon the trial of any person who may be indicted for such offense. The coroner shall return to the Court before which such trial is to be had, the inquisition, written evidence, and all recognizances and examinations by him taken.

SECTION 328. If any person charged by the inquest with having committed such offense, shall not be in custody, the coroner shall have the power to issue process for his apprehension, and such process shall be made returnable, before any Police or District Justice, or any other magistrate or court having jurisdiction in the case, who shall proceed therein, in the same manner as if he had issued such process himself.

SECTION 329. When any coroner shall take an inquest upon the dead body of a stranger, or, being called for that purpose, shall not think it necessary on view of such body, that any inquest should be taken, he shall cause the body to be decently buried.

SECTION 330. No fees shall be paid to jurors or witnesses attending upon any coroner's inquest, but all the reasonable expenses of the inquisition shall be paid to the coroner from the public treasury, the account of such expenses being first examined and allowed by the Minister of the Interior.

OF THE FIRE DEPARTMENT OF HONOLULU.

SECTION 331. There shall be a fire department for the city of Honolulu, which shall consist of a chief engineer, two assistant engineers, four fire wardens, and as many firemen as may be approved by the representatives of the department, chosen according to its by-laws. All members of the fire department shall, during the term of their service as such, be exempt from all personal taxes.

SECTION 332. The Chief Engineer and the two Assistant Engineers, shall be elected annually, on the first Monday of June, by the certificate members of the fire department.

SECTION 333. The four fire wardens shall be elected annually by the representatives of the department.

SECTION 334. The elections provided for in the two last preceding sections, shall be conducted in such manner as the by-laws of the department shall prescribe.

SECTION 335. The Chief Engineer shall, in all cases of fire, have the sole and absolute control and command over all the members of the fire department; and it shall be his duty to cause the several fire engines to be located in the most advantageous situations, and duly worked for the effectual extinguishing of fires. He may grant the custody and use of the fire engines, fire buckets, and other fire apparatus belonging to government, to such firemen as he may deem proper, and assume the control of them at his pleasure; and he shall, as often as once in three months, examine into the condition of the fire engines, engine houses, fire buckets, and other fire apparatus, and report the condition of the same to the Minister of the Interior, together with the names of all the certificate members of the department. When any of the said fire engines, or other apparatus, shall require to be repaired, the Chief Engineer shall cause the same to be well and sufficiently repaired.

SECTION 336. In case the Chief Engineer shall be absent from a fire, the First Assistant shall assume his duties; and in case the Chief Engineer and First Assistant shall both be absent, their duties shall devolve upon the Second Assistant Engineer.

SECTION 337. The fire wardens shall divide the city of Honolulu into four districts, and report their boundaries to the Chief Engineer, and shall appoint one of their number to each district, for the purpose of making the visitations and examinations provided for in the next section, who shall keep a record of the names of the occupants of the houses, or other buildings where they shall observe any violations of the provisions of this law.

SECTION 338. It shall be the duty of the fire wardens twice in every year, and as much oftener as they may think proper, to examine the dwelling houses and other buildings in their respective districts for the purpose of ascertaining any violations of this law, and also to examine the fire places, hearths, chimneys, stoves and stove-pipes, in their respective districts, and upon finding any of them defective or dangerous, they, or either either of them, shall direct the owner, or occupant, by written notice, to alter, remove, or amend the same; and in case of neglect or refusal so to do, the party offending shall forfeit and pay twenty-five dollars, for the benefit of the fire department, and for every day of the time allotted for such alteration, removal, or amendment, the party so offending shall forfeit and pay the further sum of ten dollars, and the fire warden may make such alteration, removal, or amendment, at the expense of said owner or occupant.

SECTION 339. It shall be the duty of each and every fire warden to prosecute all persons guilty of a violation of any of the provisions of this law, before the Police Court of Honolulu, and they shall pay over all fines collected, to the treasurer of the fire department, deducting twenty per cent. of such fines for their respective services.

SECTION 340. The firemen shall be divided into companies, to consist of such number as shall, from time to time, be fixed by the by-laws of the several companies. Each of said companies may choose out of their own number a foreman, assistant foreman, a secretary and treasurer, in such manner, and at such times as they shall think proper.

SECTION 341. It shall be the duty of said firemen, whenever any fire shall break out in the city, to repair immediately to said fire with their respective engines, hose carriages, hooks, ladders, and other apparatus, and there to work and manage such fire engines, and other fire implements, with all their skill and power, as the Chief Engineer may direct, and they shall not remove therefrom without permission of the Chief Engineer.

SECTION 342. For the more effectual perfecting of the firemen in their duties, they shall once in every month draw out their several engines, in order to wash and cleanse the same, and to exercise the firemen; and if any fireman shall neglect said duty, he shall forfeit and pay such penalty as the majority of his company shall direct.

SECTION 343. If any fireman shall neglect to attend any fire, or leave his engine, or other apparatus, while at any fire, without permission, or shall neglect to do his duty on such occasions, without reasonable excuse, he shall for every such default, pay such penalty as the majority of his company shall fix; and may, by a vote of the majority of his company, be dismissed as a fireman.

SECTION 344. The representatives of the department shall have authority, whenever a company has, for six months, so few members as to render it inefficient, to disband the same, and assign the members thereof, with their consent, to any other company, or companies, provided the same is done with the assent of the company or companies, to which they are assigned.

SECTION 345. It shall be the duty of such members of the city police as are not on duty, at the time of any fire, to repair immediately on the alarm of fire, with their badges of office, to the place where such fire may be, to preserve the peace, protect property, remove all idle or suspected persons, or others not actually employed in extinguishing the fire, and also, upon request, to arrest and detain in custody all persons refusing to obey the orders of the Chief Engineer, or either of his assistants. Every police officer who shall violate any of the provisions of this section shall forfeit and pay the sum of ten dollars for each offense.

SECTION 346. All policemen of Honolulu on duty at the time of an

alarm of fire, are required to remain at the places where they have been stationed, and to give the alarm of fire, until the community are aroused, and should any such policeman leave his station without the order of his Chief, he shall forfeit and pay ten dollars for each offense.

SECTION 347. No person shall, unless by permission of the Chief Engineer, kindle any fire, or furnish the materials for any fire, nor in any way authorize any fire to be made in any street, road, lane, market place, or other highway, or on any pier or wharf in the city (except for the purpose of boiling tar, which fire shall not be more than ten feet from the end of the pier or wharf) under the penalty of five dollars for each offense.

SECTION 348. Every building occupied as a dwelling-house in Honolulu, or as a store-house, or regular place of business, shall be furnished with at least two fire buckets, which shall be kept in a conspicuous place, and upon which the name of the owner shall be painted; and all occupants of buildings not so furnished shall be liable to a fine not exceeding ten dollars.

SECTION 349. Any person giving a false alarm of fire in Honolulu, shall forfeit and pay for each offense, a fine not exceeding fifty dollars.

SECTION 350. All male residents of Honolulu, going to a fire, are required to obey the orders of the Chief Engineer, and Assistant Engineers, under a penalty of five dollars for each offense.

SECTION 351. Any person cutting, or in any way intentionally injuring any portion of the fire apparatus, shall be subject to a penalty not exceeding one hundred dollars.

SECTION 352. It shall be the duty of all persons owning or occupying premises adjacent to a fire, to allow free access to the same by the fire department, upon the order of the Chief Engineer, or either of the Assistant Engineers, for the purpose of obtaining water or using the fire apparatus for the extinguishing of any fire; and in case such access is refused, the Chief Engineer, or the person acting in his place, is hereby authorised forcibly to enter said premises for the purposes aforesaid, and the persons so refusing shall forfeit and pay not less than twenty dollars.

SECTION 353. The city of Honolulu, for the purposes of this law, shall comprise all the space included within a circle, whose centre is the public market house of Honolulu, and whose radius is one mile.

OF THE SAFE KEEPING OF GUNPOWDER.

SECTION 354. The Minister of the Interior may make such regulations for the storing, keeping, and transportation of gunpowder, in any town of the kingdom, as he may think the public safety requires; and no person shall store, keep, or transport any gunpowder, in any other quantity or manner than is prescribed in such regulations.

SECTION 355. Whoever shall violate any of such regulations, shall be fined for each offense, not less than twenty, nor more than one hundred dollars.

SECTION 356. All gunpowder introduced into, or kept in any town contrary to said regulations, may be seized by any sheriff, or any other officer of police, and the same shall be forfeited for the benefit of the public treasury.

SECTION 357. Any person injured by the explosion of any gunpowder, in the possession of any person contrary to the regulations prescribed by the Minister of the Interior, may have an action for damages against the person having custody or possession of the same, at the time of the explosion, or against the owner of the same, if cognizant of such neglect.

SECTION 358. All sheriffs, and other officers of police, shall have authority to enter any building, or place, to search for gunpowder supposed to be concealed there contrary to law; and any Police or District Justice, may grant a search warrant for that purpose.

SECTION 359. No regulations for the safe keeping of gunpowder shall take effect until they have been published three weeks successively in some newspaper in the town, or by posting up attested copies of them in three places in such town.

OF WRECKS AND SHIPWRECKED GOODS.

SECTION 360. It shall be the duty of the Marshal, Sheriffs, and their deputies throughout the Kingdom, under the direction of the respective Governors, to take charge of, secure and preserve for the owners thereof, all wrecks and wrecked goods that may be cast upon the shores of their respective jurisdictions.

SECTION 361. Every Governor immediately on receiving intimation of any shipwreck, or of the finding of any shipwrecked property to the amount of one hundred dollars, or more, on any of the shores or waters within his jurisdiction, shall order the Sheriff to repair to the place where said wreck or property may be found, and in case the same shall not be in custody of any owner or agent, he shall take charge thereof, and shall secure and preserve the same for the owners.

SECTION 362. The Sheriff in such case, may employ as many persons, as he shall think proper, to assist in preserving the property; and he may appoint guards to receive the same, and may suppress all tumults and disorders; and if any person shall disobey any lawful order of the Sheriff, he may be imprisoned summarily, as the case may require, and upon subsequent trial he shall be fined for every such offense in a sum not exceeding ten dollars, or be imprisoned at hard labor for a term not exceeding three months.

SECTION 363. The Sheriff shall, on every such occasion, take an inventory of all the property that shall come to his possession; and when required by the owner of the property, or his agent, or by any person interested, he shall make oath to the truth of such inventory, and shall deliver a copy thereof, if required, together with all the said property, to the owner, or agent, or other person lawfully authorized to receive it: provided there shall be first paid, or secured to be paid, to the Sheriff, a reasonable compensation for his services, and such custom-house duties and other charges, if any, as he shall have paid or become liable to pay, on account of the property in question.

SECTION 364. If the Sheriff and the other party shall not agree on the sum so due to the Sheriff, then the case may be submitted to arbitrators, to be chosen by the respective parties; but, if the other party shall not agree to submit the case to arbitrators, it shall be forthwith submitted to some judge of the Supreme Court, or Circuit Court of the island, who shall, either in vacation or term time, hear and decide the case in a summary manner, on due notice, and may issue such process as may be necessary to carry his decision into effect.

SECTION 365. No person interested in any such property, shall be held to pay to any person, other than a Sheriff, any compensation for services or expenses in taking or securing the property, unless it be for property taken or secured before the arrival of the Sheriff.

SECTION 366. If any person shall, after the arrival of the Sheriff, take, detain, or intermeddle with any property shipwrecked, or found as aforesaid, except under the direction of the Sheriff, owner, or agent, or other person interested, he shall be subject to a fine not exceeding five hundred dollars, in the discretion of the Court.

SECTION 367. The Sheriff, as soon as may be after his arrival, at the place where such property shall be found, shall publish the particulars of the shipwreck, and of the goods found, with such other material facts as he shall ascertain, in such manner as he shall deem best for the information of all parties interested; and in case of neglect so to do, he shall be subject to a fine not exceeding one hundred dollars.

SECTION 368. The Sheriff, under direction of the Governor, may dispose of so much of the property by public auction, as shall be necessary to pay any duties thereon for which they may be liable to the Custom House.

SECTION 369. He may sell by auction to the best advantage, such of the property as may be of a perishable nature, whenever necessity may require it, giving reasonable public notice, and if practicable, in a public newspaper.

SECTION 370. If no person interested shall appear and establish his

claim to such property, the Sheriff shall present, under oath, to the Consul or Vice-Consul, if there be one in the Kingdom, of the nation to which the wrecked property may belong, in case of its being foreign property, an inventory of the same; and if sold, an account of the sales; with an account of all moneys paid by him as duties and expenses on the same; and he shall pay and deliver to such Consul or Vice-Consul, the balance of such accounts, with all the property remaining in his hands, and all papers found by him on board such wreck.

SECTION 371. In all other cases, the Sheriff shall render a like account, and pay over the balance to the Minister of Finance, who shall retain the same, subject to the claims of the parties interested, for the period of two years, when, if remaining unclaimed, it shall be used for the benefit of the public treasury.

SECTION 372. In any law relating to wrecks and shipwrecked property, the word "sheriff" shall be construed to mean Marshal, Sheriff or Deputy Sheriff.

OF THE LAW OF THE ROAD.

SECTION 373. Whenever any persons shall meet each other on any bridge, road, or other highway, traveling with carriages, wagons, carts, or other vehicles, each person so meeting, shall seasonably turn his horse or other animal, or drive his carriage, or other vehicle, to the right of the middle of the traveled part of such road or bridge, when practicable; so that the respective carriages, or other vehicles aforesaid, may pass each other without interference.

SECTION 374. When it is difficult or unsafe for persons traveling with any of the aforesaid carriages, or other vehicles, on account of their being heavily laden or otherwise, to turn or drive their carriages, or other vehicles, to the right of the middle of such traveled part, as aforesaid, any person thus prevented, when meeting with any other person traveling with any of the carriages, or vehicles aforesaid, shall stop a reasona-

ble time, at a convenient part of the road, to enable such other person to pass by.

SECTION 375. Whenever any person traveling with any carriage or vehicle as aforesaid, on any bridge, or road, shall overtake any other person with any such carriage or vehicle, either stationary at some inconvenient place for passing by, or traveling at a slower rate, and shall request such other person to permit him to pass, it shall be the duty of the person so overtaken, to turn or drive his carriage, or vehicle, to the right or left of the middle of the traveled part of said bridge or road, or to stop a reasonable time in some convenient place, for the other person to pass by.

SECTION 376. No person shall permit his carriage or vehicle to travel or pass, on any such bridge or road, without a suitable driver or conductor; nor shall leave the same on any such bridge or road stationary, in such a situation as to obstruct other persons, traveling with any carriage or other vehicle.

SECTION 377. Every person violating either of the foregoing provisions of the law of the road, shall be fined, for each offense, not less than one, nor more than twenty-five dollars. And any person injured by any violation of the provisions aforesaid, shall be entitled to recover damages, in an action to be commenced within six months after such injury.

OF WEIGHTS AND MEASURES.

SECTION 378. It shall be the duty of the Minister of the Interior to procure a standard set of weights and measures; and it shall be his duty to try by such standards, all such weights and measures as shall be presented to him to be tried; and to seal such as shall be found true with the capital letters H. I.

SECTION 379. Said minister shall furnish to each of the respective

governors, copies of the original standards, for the use of their respective divisions; and it shall be the duty of the said governors to try all such weights and measures as may be presented to them to be tried; and to seal such as shall be found true, with the initial letters of their respective divisions.

SECTION 380. The charge for trying any weights and measures shall be as follows: For sealing and marking every beam, fifty cents; for sealing and marking every measure of extension, twenty-five cents; for sealing and marking every weight, ten cents; for sealing and marking every liquid or dry measure, ten cents; and a reasonable compensation for making such weights and measures conform to the standards.

SECTION 381. The standards of weights and measures shall be those adopted, and now used, by the United States of America.

SECTION 382. Whenever any wheat, rye, Indian corn, barley or oats, shall be sold by the bushel, and no special agreement as to the measurement shall be made by the parties, the bushel shall consist of sixty pounds of wheat, of fifty-six pounds of rye, of fifty-six pounds of Indian corn, of forty-eight pounds of barley, and thirty-two pounds of oats.

SECTION 383. If any person shall sell any goods, wares, or merchandise, fruit, vegetables, or other commodity whatsoever by any beams, weights, or measures, that have not been duly sealed, he shall be fined for each offense a sum not exceeding fifty dollars; and any person who shall be injured or defrauded by the use of any such beams, weights, or measures, may maintain an action against the offender; and if judgment be rendered for the plaintiff, he shall recover double damages, and the costs of suit.

OF THE FISHERIES.

SECTION 384. All fishing grounds appertaining to any government land, or otherwise belonging to the government, excepting only ponds, shall be, and are hereby forever granted to the people, for the free and equal use of all persons: provided, however, that, for the protection of such fishing grounds, the Minister of the Interior may taboo the taking of fish thereon, at certain seasons of the year.

SECTION 385. The Minister of the Interior shall give public notice of any such taboo imposed by him; and no such taboo shall be in force until such notice has been given. Every person who shall violate such taboo shall be punished by a fine not exceeding fifteen dollars, and the value of the fish taken.

SECTION 386. No person residing without the kingdom shall take any fish within the harbors, streams, reefs, or other waters of the same, for the purpose of carrying them for sale, or otherwise, to any place without the kingdom, under penalty of a fine not exceeding two hundred dollars, in the discretion of the court.

SECTION 387. The fishing grounds from the reefs, and where there happen to be no reefs, from the distance of one geographical mile seaward to the beach at low water mark, shall, in law, be considered the private property of the konohikis, whose lands, by ancient regulation, belong to the same; in the possession of which private fisheries, the said konohikis shall not be molested, except to the extent of the reservations and prohibitions hereinafter set forth.

SECTION 388. The konohikis shall be considered in law to hold said private fisheries for the equal use of themselves, and of the tenants on their respective lands; and the tenants shall be at liberty to use the fisheries of their konohikis, subject to the restrictions imposed by law.

SECTION 389. The konohikis shall have power each year, to set apart

for themselves one given species or variety of fish natural to their respective fisheries, giving public notice, by *viva voce* proclamation, and by at least three written or printed notices posted in conspicuous places on the land, to their tenants and others residing on their lands, signifying the kind and description of fish which they have chosen to be set apart for themselves.

SECTION 390. The specific fish so set apart shall be exclusively for the use of the konohiki, if caught within the bounds of his fishery, and neither his tenants nor others shall be at liberty to appropriate such reserved fish to their private use, but when caught, such reserved fish shall be the property of the konohiki, for which he shall be at liberty to sue and recover the value from any person appropriating the same.

SECTION 391. The konohikis shall not have power to lay any tax, or to impose any other restriction, upon their tenants, regarding the private fisheries, than is hereinbefore prescribed, neither shall any such further restriction be valid.

SECTION 392. It shall be competent to the konohikis, on consultation with the tenants of their lands, in lieu of setting apart some particular fish to their exclusive use, as hereinbefore allowed, to prohibit during certain months in the year, all fishing upon their fisheries; and, during the fishing season, to exact of each fisherman among the tenants, one-third part of all the fish taken upon their private fishing grounds. In every such case it shall be incumbent on the konohikis to give the notice prescribed in section 389.

SECTION 393. No person who has bought, or who may hereafter buy, any Government land, or obtain land by lease or other title from any party, has or shall have any greater right than any other person, resident in this Kingdom, over any fishing ground not included in his title, although adjacent to said land.

SECTION 394. If that species of fish which has been tabooed by any konohiki, shall go on to the grounds which have been, or may be, given to the people, such fish shall not be tabooed thereon. It shall be tabooed only when caught within the bounds of the konohiki's private

fishery. Nor shall it be lawful for a konohiki to taboo more than one kind of fish upon any fishing grounds which lie adjacent to each other.

SECTION 395. Every konohiki or other person who shall wilfully deprive another of any of his legal rights to fish on any fishing ground, which now is, or may become, free to the use of the people, or who shall willfully exact from another any portion of the fish caught on any public fishing ground, or who shall willfully exact of another, for the use of any private fishery, a greater amount of fish than by law he is entitled to receive as his share, and any tenant or other person who shall willfully deprive any konohiki of his fishing rights, by appropriating to himself the tabooed fish of said konohiki, or otherwise, shall be punished by a fine not exceeding one hundred dollars for every such offense, in the discretion of the Court, and in default of the payment of such fine, be imprisoned at hard labor not exceeding three months.

SECTION 396. The several district justices shall have power to try and punish all offenses against the provisions of the last preceding section, committed in their respective districts.

ARTICLE VI.—OF THE POST OFFICE.

SECTION 397. There shall be established a post-office system for the Hawaiian Kingdom, and some suitable and trustworthy person shall be appointed by the King to superintend the same, who shall be styled Postmaster-General, and hold his office during His Majesty's pleasure. The said Postmaster-General shall, until otherwise provided by law, be *ex officio* Postmaster of Honolulu.

SECTION 398. The several collectors of the ports of entry, except Honolulu, shall be *ex officio*, Postmasters for said ports; and the Postmaster-General shall appoint Postmasters in such other ports and districts as the public wants may, in his judgment, require. He may also, with the consent of the Minister of the Interior, fix and arrange the

compensation of said Postmasters, in cases where, from the nature of the services rendered by them, it may be reasonable or needful to allow them such compensation,

SECTION 399. The Postmaster-General shall have power to make such rules and regulations, not conflicting with any law of the Kingdom, as may from time to time be needful for the government of the several post-offices, and for the safe and speedy transmission and delivery of the mails, and he may employ such clerks or assistance as will enable him to discharge his duties in a prompt and efficient manner.

SECTION 400. The Postmaster-General may employ mail carriers on the several islands, to carry mails between the several districts of the same, as he may judge to be most for the public good, applying for that purpose such moneys as may be appropriated by the Legislature for that object, and no other.

SECTION 401. No ship or vessel arriving at any port of these islands where a post-office is established, shall be permitted to report, make entry, or break bulk, until the master or commander shall have delivered to the Postmaster at such port, all letters directed to any person or persons within this kingdom, which, under his care, or within his power, shall be brought in such ship or vessel, except such as are directed to the owner or consignee of the ship or vessel; and the Postmaster to whom such letters shall be delivered, shall pay to said master or commander as remuneration therefor, a sum not exceeding two cents for every letter so delivered. And it shall be the duty of the collector, or other officer of the port, empowered to receive entries of ships or vessels, to require, from every master or commander of such ship or vessel, an oath, or affirmation, purporting that he has delivered all such letters, except as aforesaid. And if any commander or master of any ship or vessel shall break bulk before he shall have complied with the requirements of this article, he shall, on conviction thereof before any court, forfeit for every such offense, a sum not less than one hundred, nor more than five hundred, dollars; and in default of payment, his vessel shall be liable to seizure, condemnation and sale, in order to satisfy such penalty.

SECTION 402. The commanding officers of coasting vessels, shall

receive and deliver the inter-island mails at the post-offices of the several ports at which they may touch, in such manner as the Postmaster-General may direct, free of charge; under penalty of forfeiting the coasting licenses of their vessels.

SECTION 403. The following shall be the rates of Hawaiian postage on all mailable matter forwarded to, or received from, any foreign port:

Five cents for every single letter weighing less than half an ounce; ten cents for ever letter weighing not less than half an ounce, or more than one ounce; and five cents for every additional half ounce; and, in addition to the above rates, the sea postage shall be collected on the said letters.

Two cents on each newspaper, price current, printed circular, or other printed paper not being a pamphlet: provided, however, that editors may reciprocate, post-free, with foreign editors.

Four cents for every pamphlet containing less than 50 pages; eight cents for every pamphlet containing as many as 50 pages, and less than 200 pages; and twelve cents for every pamphlet containing 200 pages or upwards.

Two cents an ounce for bound volumes, or other volumes not coming under the head of pamphlets. All sealed packages at the same rate as letters.

Any newspaper, pamphlet, or other printed matter, containing either memoranda, or written information of any sort, shall be subjected to letter postage.

SECTION 404. The outward postage on all letters, newspapers, (excepting editorial exchanges) and other mailable matter, sent to any foreign country, shall be prepaid.

SECTION 405. No ship or vessel leaving any port of the Hawaiian Islands, where a post-office is established, shall be permitted to carry any letters, newspapers, or other mailable matter, outside the mail, unless the Hawaiian postage on the same shall have been previously paid. And if any commander or master of any ship or vessel shall not comply with the requirements of this section, for every such offense he shall, on conviction thereof, forfeit a sum not less than one hundred, nor exceeding five

hundred, dollars; and such ship or vessel shall be liable to seizure, condemnation and sale, in order to enforce the payment of such forfeiture.

SECTION 406. On, and after, July 1st, 1859, the rate of inter-island postage shall be as follows: Two cents for every single letter weighing less than half an ounce; four cents for every letter weighing not less than half an ounce, or more than one ounce, and two cents for every additional half ounce.

One cent an ounce for all bound volumes. Newspapers mailed from the offices of publication to subscribers, free; on those otherwise mailed, the rate of postage shall be one cent.

Pamphlets containing less than two hundred pages, two cents each, and those containing over two hundred pages, four cents each. Sealed packages at the same rate as letters. Drop letters, or those mailed at the office of delivery, free.

All parcels containing anything besides letters, or printed matter, to be excluded from the inter-island mails, unless postage be paid on the same at the rate of one cent an ounce, or fraction of an ounce in weight. No package to be conveyed by mail containing liquids in glass, or other articles destructive to the contents of mail bags.

Provided, however, that the above rates of inter-island postage shall not apply to mail matter received from foreign countries, but only to such as is mailed within the kingdom.

SECTION 407. No inter-island letters shall be transmitted by mail unless previously stamped, and it shall be unlawful for coasting vessels, steamers, or individuals, to convey unstamped letters from port to port, except letters directed to, and intended for, owners or consignees: provided, however, that in case of absence or deficiency of stamps, the Postmaster, at the place of mailing, receives an equivalent in money, in which case it shall be his duty to mark such letters paid, they shall be transmitted by regular course of mail; and provided also, that the provisions of this and the preceding section shall not apply to the correspondence of their Majesties, the King and Queen, His Majesty's Ministers, or to any official correspondence whatever, provided the same be designated by proper superscription.

SECTION 408. The Postmaster-General is hereby authorized to issue,

and sell on account of his department, postage stamps, of such denomination as the public convenience may require. If any person or persons shall forge or counterfeit any stamp of the post-office department, issued by authority of law, or if they shall obliterate the mark of any stamp for the purpose of using the same for a second time, they shall be adjudged guilty of felony, and on conviction thereof, be fined a sum not exceeding five hundred dollars, or imprisoned at hard labor for a term not more than one year, in the discretion of the court.

SECTION 409. All letters uncalled for after having remained in any post-office for one year, shall be considered dead letters; and it shall be the duty of the Postmaster-General, under such rules as he may provide, to have the same opened, and if found to contain no valuable enclosures, to cause the same to be destroyed, and in all cases where valuable enclosures are found, it shall be his duty to preserve the same, and use all proper means to restore the said enclosures to their rightful owners.

SECTION 410. The Postmaster-General is hereby authorized to provide a suitable official stamp for the use of the general post-office, and such stationery as may be required for the use of the same; he may also provide for and furnish the necessary stamps and stationery for the post-offices at other places in the kingdom.

SECTION 411. The Postmaster-General shall, semi-annually, or oftener if required, render a full and accurate report of the transactions of the general post-office to the Minister of the Interior, including a statement of receipts and expenditures, letters sent and received, both foreign and inland, and such other matters as will include a full account of the various branches of the service under his charge.

It shall be the duty of the several local postmasters to make quarterly, or such other returns as may be required, to the Postmaster-General, in such form and manner, and to such extent, as he may direct, of all their official transactions.

SECTION 412. The post-office department shall pay its own expenses of every kind, so far as practicable. Any excess of receipts over necessary expenditures shall pe paid into His Majesty's treasury. If a deficiency should unavoidably arise, the Postmaster-General may, with the

sanction of the Minister of the Interior, draw upon the treasury for the amount of such deficiency, which shall be paid out of any funds not otherwise appropriated: and all the facts in relation thereto, and the reasons for such action shall be specially reported to the Legislature at its next session.

SECTION 413. For the greater security of valuable letters posted for transmission in the mails of this kingdom, the Postmaster-General shall be, and hereby is, authorized to establish a uniform plan for the registration of such letters, on application of parties posting the same, and to require the prepayment of the postage, as well as a registration fee of fifteen cents on every such letter or packet: provided, however, that such registration shall not be compulsory; and it shall not render the post-office department, or its revenue, liable for the loss of such letters or packets, or the contents thereof.

SECTION 414. The Postmaster-General and his clerks, employed in the general post-office at Honolulu, shall not be liable to jury service in any court of this kingdom.

SECTION 415. If any person or persons shall rip, cut, untie, unlock, or in any way open any mail bag, valise, or portmanteau, containing letters or mailable matter of the Hawaiian kingdom, without due authority of the Postmaster-General, said person, or persons shall, upon conviction thereof, for every such offense, pay a sum of not less than fifty dollars, or more than five hundred dollars; or be imprisoned at hard labor for a period not exceeding two years, or both, in the discretion of the court.

ARTICLE VII.—OF THE GOVERNMENT PRESS.

SECTION 416. The Minister of the Interior shall appoint a Director of the Government Press, who shall have the control and management of said Press, and be solely responsible therefor. And nothing contained in this article shall be construed as making the Government in any way responsible for the views expressed, or matter published by the Director of the said Press.

SECTION 417. Said Director shall have power to employ operatives, and provide all necessary materials for his office; applying for that purpose the moneys, from time to time, appropriated by the Legislature: provided, however, that if the amount appropriated by the Legislature be not sufficient for the employment of operatives, and to provide the necessary materials for his office, he shall have the power to pay for the same out of the receipts of his office—rendering therefor a detailed account to the Minister of the Interior.

SECTION 418. Said Director shall be, *ex officio*, editor of a newspaper which shall be the official organ of the Hawaiian Government. He shall publish therein, all laws, orders, proclamations, reports, decisions, circulars, and notices, that may be sent to him for publication, by either of the departments of Government, or any branch thereof, executive, legislative, or judicial.

SECTION 419. Said Director shall, weekly, transmit copies of the said newspapers to the following persons: To the King, for the use of the Palace, three copies; to the Minister of Foreign Affairs, ten copies; to the Kubina Nui, and each of the heads of the other departments, two copies; to the President of the Board of Education, two copies; and one copy each in addition for each English school in the kingdom, under his superintendence; to each of the Judges of the Supreme Court, two

copies; to each of the Governors, two copies; to the Legislature, when in session, one copy for each member thereof; and also one copy each to such other persons as may be designated by the King.

SECTION 420. The subscription price of the government newspaper, and the charges for all notices and advertisements published therein, and for all other printing done by the government press, shall be such as may, from time to time, be fixed by said Director, with the approval of the Minister of the Interior.

SECTION 421. The Director of the Government Press shall have power to execute job printing, for private persons, at such rates of charge as may be profitable for the government.

SECTION 422. The Director shall be, *ex officio*, keeper of the public stamp, which it shall be his duty to impress upon all documents requiring to be stamped, upon the payment of one dollar for each impression; that is to say—all deeds, mortgages, leases, and other conveyances of real estate; all chattel mortgages; all manifests, entries, permits, and other documents, or exhibits required by law, at the custom-houses; all official and other bonds; all licenses; all powers of attorney; articles of co-partnership; letters testamentary, and of administration; letters of guardianship; all petitions to the Supreme Court, or any Circuit Court; all summonses, attachments, or other process of the Supreme and Circuit Courts; all government commissions, all charters, private or public; all patents.

SECTION 423. Said stamp shall be the same as that adopted in the year 1846, and now in use by the Director of the Government Press.

SECTION 424. No document required to be stamped as in section 422, shall be recorded, nor be of any validity in any court of this kingdom, unless the same shall be duly stamped.

SECTION 425. The Director of the Government Press may impress the stamp upon blanks, and furnish them to the courts, executive departments, collectors of customs, members of the bar, and others as the public convenience may, from time to time, require, upon receiving one dollar

for each stamp: provided, however, that the Collector-General of Customs, and other public officers required to use stamps in the execution of their duties, shall be entitled to receive them without such payment, they giving receipts therefor, and being bound to account for the use and proceeds of the same, to the proper department, in their returns, as required by law.

SECTION 426. Said Director shall keep a true and faithful account of all the receipts and expenditures of his office, and present the same, quarterly, to the Minister of the Interior, and he shall also submit to the said minister, annually, a full and correct report of all the business of his office, accompanied by such suggestions, or recommendations, as he may have to offer, for the regulation and improvement thereof.

SECTION 427. The Minister of the Interior shall have the power, with the approval of the King, to sell or lease the Government Press, and all the appurtenances thereto belonging, whenever, in his discretion, it shall seem for the best interests of the Government.

ARTICLE VIII.—NATURALIZATION OF FOREIGNERS.

SECTION 428. The Minister of the Interior shall have the superintendence and direction of the naturalization of foreigners.

SECTION 429. The said minister shall have the power, either in person, or through his chief clerk, upon the application of any alien foreigner, stating his intention to become a permanent resident of the kingdom, to administer the oath of allegiance to such foreigner, if satisfied that it will be for the good of the kingdom, and that such foreigner is not of immoral character, nor a refugee from the justice of some other country, nor a deserting sailor, marine, soldier or officer.

SECTION 430. The oath of allegiance to be administered as aforesaid, shall be as follows:

The undersigned, a native of ———, lately residing in ———, being duly sworn, upon his oath, declares that he will support the Constitution and Laws of the Hawaiian Islands, and bear true allegiance to His Majesty, ————, the King.

Subscribed and sworn to this ———, day of ——— A. D. 18—, before me,

————————.

SECTION 431. The oath of allegiance shall always be subscribed by the person so naturalized, be sworn to in the form most obligatory upon his conscience, and the jurat thereof shall be subscribed by the Minister of the Interior, or his chief clerk.

SECTION 432. Every foreigner so naturalized, shall be deemed to all intents and purposes a native of the Hawaiian Islands, be amenable only to the laws of this Kingdom, and to the authority and control thereof, be entitled to the protection of said laws, and be no longer amenable to his native sovereign while residing in this Kingdom, nor entitled to resort to his native country for protection or intervention. He shall be amenable, for every such resort, to the pains and penalties annexed to rebellion by the Criminal Code. And every foreigner so naturalized, shall be entitled to all the rights, privileges and immunities of an Hawaiian subject.

SECTION 433. It shall be competent for His Majesty to confer upon any alien resident abroad, or temporarily resident in this Kingdom, letters patent of denization, conferring upon such alien, without abjuration of allegiance, all the rights, privileges and immunities of a native. Said letters patent shall render the denizen in all respects accountable to the laws of this Kingdom, and impose upon him the like fealty to the King, as if he had been naturalized as hereinbefore provided.

SECTION 434. The fee for administering the oath of allegiance, subscribing the jurat, and granting certificate of the same, shall be five dollars.

SECTION 435. The following TARIFF OF CHARGES, for the Department of the Interior, not elsewhere provided for, is hereby established:

For every Royal Patent, lease, or other grant of land, inclusive of stamp, $5.

For every charter, $10.

For every patent for any invention, $10.

For every copy of any patent, charter, or other document, 50 cents per hundred words.

For all other acts and duties, the fees for which are not otherwise provided for, such charges as the Minister of the Interior may, from time to time, prescribe.

CHAPTER VIII.

DEPARTMENT OF FOREIGN AFFAIRS.

ARTICLE IX.—THE MINISTER OF FOREIGN AFFAIRS, HIS POWERS AND DUTIES IN GENERAL.

SECTION 436. There shall be an executive department styled the Department of Foreign Affairs, which shall be presided over by an officer called the Minister of Foreign Affairs, who shall reside and keep an office at the seat of Government.

SECTION 437. It shall be the duty of said Minister to conduct the correspondence of this Government, with the diplomatic and consular agents of all foreign nations, accredited to this Government, and with the public ministers, consuls, and other agents of the Hawaiian Islands, in foreign countries, in conformity with the law of nations, and as the King shall, from time to time, order and instruct.

SECTION 438. It shall be the duty of said minister, before transmitting any diplomatic dispatch, making any claim or complaint on behalf of, or in answer to, any claim or complaint made against the authorities of the government of His Majesty, or before transmitting any other important dispatch, involving national responsibility, to submit the same to the King for adoption or amendment, to the end that His Majesty may not become liable for any official act, of which he shall not have had previous knowledge.

SECTION 439. The Minister of Foreign Affairs shall keep a full and faithful record of all the transactions of his department, and preserve in

some form convenient for reference, all his official correspondence, which shall be, at all times, accessible to the King.

SECTION 440. Said minister may, from time to time, publish such portions of his correspondence, as the King may authorize or direct to be published.

SECTION 441. Said minister shall have the custody of all public treaties concluded and ratified by the Government; and it shall be his duty to promulgate the same by publication in the government newspaper. When so promulgated, all officers of this government shall be presumed to have knowledge of the same.

SECTION 442. It shall be the duty of the Minister of Foreign Affairs to instruct the ministers, consuls, and other foreign agents of this government, in relation to their duties and conduct, in such manner as the King may, from time to time, direct.

SECTION 443. Said minister shall also prescribe the fees and perquisites to be received by the consuls, and other foreign agents of this government.

SECTION 444. The compensation of the foreign agents of this government shall be such as may, from time to time, be determined by the King: provided, always, that no money shall be applied to this purpose, except as the same may be appropriated by the Legislature.

SECTION 445. Every minister, commissioner, consul, or vice-consul, of the Hawaiian Islands, in any foreign country, may take and certify, under his official seal, all acknowledgements of any deed, mortgage, lease, release, or other instrument affecting the conveyance of real or personal estate in this kingdom—and such acknowledgment shall entitle such instrument to be recorded.

SECTION 446. Such ministers, commissioners, consuls, and vice-consuls, shall have power to take acknowledgments of powers of attorney, to administer oaths, and to take depositions and affidavits, to be used in this kingdom.

SECTION 447. It shall be the duty of the Minister of Foreign Affairs to issue and promulgate all proclamations, and orders in council, in anywise affecting the relations of this government with any foreign nation.

SECTION 448. The Minister of Foreign Affairs is charged with the requisition upon foreign governments, for the surrender of persons charged with the commission of crimes within this kingdom; and he is also charged with the surrender of fugitives from justice, coming to this kingdom from any foreign country.

SECTION 449. The respective judges and magistrates of the kingdom shall have authority, upon complaint made under oath, to issue a warrant for the apprehension of any person charged with the commission of a crime, in any foreign country, that he may be brought before such judges, or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the Minister of Foreign Affairs, that he may issue a warrant for the surrender of such fugitive.

SECTION 450. Before issuing any such warrant, the Minister of Foreign Affairs shall be satisfied that the expenses of apprehension and detention of the fugitive have been paid, or that the representative of the nation has assumed the payment of such expenses.

SECTION 451. The warrant of the Minister of Foreign Affairs, directing the surrender of any fugitive from justice, shall be binding upon all officers of His Majesty's Government, in anywise having the custody of such fugitive.

SECTION 452. Every fugitive from justice may be retained in prison after his surrender, until a suitable opportunity occurs for his removal, at the expense of the officer to whom he is surrendered.

SECTION 453. The Minister of Foreign Affairs may issue passports to all ministers, diplomatic agents, and consuls of the King, sent abroad, and to the consuls and other commercial agents of foreign governments,

and to all subjects of the kingdom going abroad, who may desire the same.

SECTION 454. Said passports shall be issued free of charge, signed by the said minister, and impressed with the seal of his department; and shall exonerate all masters of vessels, from any liabilities for having conveyed the persons named in such passports out of the jurisdiction of this kingdom.

SECTION 455. The Minister of Foreign Affairs, upon being duly notified that any alien foreigner has died intestate within this kingdom, leaving residuary assets therein, but no heirs, shall immediately give notice thereof to the accredited representative, or consul, of the nation to which the deceased belonged.

SECTION 456. If such residuary assets shall be claimed in behalf of any foreign heir, the Minister of Foreign Affairs, upon being satisfied of the claimant's right to receive them, shall order the same to be delivered to him, after deducting the proper charges for receiving and keeping the same. And all persons having such assets in custody, shall deliver the same to the person named in such order.

SECTION 457. In case the Minister of Foreign Affairs shall not be satisfied of the claimant's right to receive such residuary assets, it shall be competent for such claimant to institute a suit for their recovery, against said minister, before the courts of the kingdom, and the final judgment rendered in the case shall be conclusive upon the parties.

ARTICLE X.—THE DIPLOMATIC AND CONSULAR AGENTS OF FOREIGN NATIONS.

SECTION 458. It shall be incumbent upon all foreign consuls-general, consuls, vice-consuls, and consular agents, to present their commissions through the diplomatic agents of their several nations, if such exist, and if not, direct to the Minister of Foreign Affairs, who, if they are found to be

regular, shall, unless otherwise directed by the King, give them exequaturs under the seal of his department; and it shall be the duty of said minister to cause all such exequaturs to be published in the government Gazette.

SECTION 459. No foreign consul, or consular or commercial agent, shall be authorised to act as such, or entitled to recover his fees and perquisites in the courts of this kingdom, until he shall have received his exequatur.

SECTION 460. It shall be incumbent upon every diplomatic agent, coming accredited to the King, to notify the Minister of Foreign Affairs of his arrival, and to request an audience of the King, for the purpose of presenting his credentials. Said minister, upon receipt of such notice, with copy of his credentials, shall take His Majesty's orders in regard thereto, and communicate the same to such agent.

SECTION 461. After any such foreign diplomatic agent shall have presented his credentials to, and been received by the King, it shall be the duty of the Minister of Foreign Affairs, to anounce that fact to the public, by notification in the government Gazette.

SECTION 462. No person shall arrest, or otherwise molest, any foreign public minister, received and acknowledged as such by the King, or any attaché, or servant of such minister, except for acts of political sedition, and machinations endangering the political safety of the King's Government: provided, nevertheless, that no subject or inhabitant of this kingdom, who shall have contracted debts prior to his entering into the service of any such public minister, which debt shall still be due and unpaid, shall have, take, or receive any benefit of this law; nor shall any person be proceeded against by virtue of this law, for having arrested or sued any domestic servant of such public minister, unless the name of such servant shall have been previously furnished to the department of Foreign Affairs.

SECTION 463. It shall be the duty of the Minister of Foreign Affairs, upon the receipt of a list of the attachés, and domestic servants of any such public minister, to cause the same to be published in the government Gazette, and to furnish a copy of such list to the Marshal.

SECTION 464. Foreign public ministers are not amenable to the civil or criminal jurisdiction of the kingdom, and therefore all writs or process, whereby the person of any public minister received as such by the King, shall be arrested, or imprisoned, or his property distrained, seized, or attached, shall be utterly null and void, to all intents and purposes whatsoever: provided, always, that force may be applied to confine, or send away any such minister, when the safety of the State, which is superior to all other considerations, absolutely requires it, arising either from the violence of his conduct, or the influence and danger of his machinations.

SECTION 465. All writs or process, for the arrest or imprisonment of any attaché of a public minister, whose name has been furnished to the department of Foreign Affairs, as provided in section 462, or for the seizure or attachment of his property, shall be null and void; subject, however, to the provisions of section 462: and provided, always, that he shall enjoy no greater privileges than are accorded to him by the law of nations.

SECTION 466. If any person assault, strike, wound, imprison, or in any other manner infract the law of nations, by offering violence to the person of a public minister, such person so offending, on conviction, shall be imprisoned not exceeding five years, and fined at the discretion of the court; and, if an officer of this Government, shall be liable to removal from office.

SECTION 467. All foreign diplomatic agents, received and acknowledged as such by the King, as having the representative character, in a political sense, shall enjoy the exemption from duties upon stores and supplies imported for their private use and consumption, allowed by their respective nations to foreign diplomatic agents of the same rank, and accredited in the same manner; provided that each foreign diplomatic agent shall, previously, adduce to the Minister of Foreign Affairs, satisfactory proof that the exemption claimed by him would be allowed by his own nation, to a Hawaiian agent of the same rank, under the like circumstances.

CHAPTER IX.

DEPARTMENT OF FINANCE.

ARTICLE XI.—THE MINISTER OF FINANCE—HIS POWERS AND DUTIES IN GENERAL.

SECTION 468. There shall be an executive department, styled the Department of Finance, which shall be presided over by an officer called the Minister of Finance, who shall reside and keep an office at the seat of government.

SECTION 469. It shall be the duty of the Minister of Finance to have a general supervision over the financial affairs of the kingdom, and to faithfully and impartially execute the duties assigned by law to his department. He is charged with the enforcement of all revenue laws; the collection of duties on foreign imports; the collection of taxes; the safe keeping and disbursement of the public moneys, and with all such other matters as may, by law, be placed in his charge.

SECTION 470. It shall be his duty to make a biennial report to the Legislature, of the transactions and business of his department, showing the revenue and expenditure for the two preceding years, and giving a full and detailed estimate of the revenue and expenditure for the two succeeding years.

SECTION 471. He shall keep, or cause to be kept, in appropriate books, a clear, distinct and full record of all the transactions and business of his department.

SECTION 472. He shall, from time to time, instruct the collectors of customs, the collectors of taxes, assessors and other officers of his department, in relation to their duties and business.

SECTION 473. The Minister of Finance shall be personally responsible for the safe keeping of all moneys paid into the public treasury, and for the proper disbursement and appropriation thereof, pursuant to the laws: provided, however, that in case of the larceny or embezzlement of any such moneys, by any officer of his department, or other persons, said minister shall be allowed to give the fact, and that he had no collusive knowledge thereof, in evidence, and the establishment of such facts shall discharge him from personal responsibility.

SECTION 474. Said minister shall appoint, on his own faith and responsibility, a registrar of public accounts, removable at his pleasure. Such registrar shall, before entering upon his duties, give a bond with good and sufficient sureties, for the benefit of the government, to the Minister of Finance, and his successors in office, in the penal sum of not less than five thousand, nor more than ten thousand dollars, conditioned that he will well and faithfully keep the accounts of the department of finance; that he will not embezzle, or in any other way wrongfully convert to his own use, or to the use of another, any of the public moneys; and that in all other respects he will faithfully discharge the duties of his office.

SECTION 475. Said minister shall have power to administer all necessary oaths connected with the duties of his department.

SECTION 476. Said minister shall have power to certify, under the seal of his department, copies of vouchers and other documents deposited in his office; and such copies so certified shall be as valid evidence in any court as the originals.

SECTION 477. The head of each ministerial department shall be responsible for the correctness of all drafts or orders drawn by him upon the treasury, in pursuance of appropriations, and for the proper disbursements of all appropriations for his department. The same rule shall apply to the President of the Board of Education. The responsibility of

the Minister of Finance, in such cases, shall be limited to the payment of the aggregate amount of appropriations made by the Legislature. All moneys received by any department or officer of the government, on public account, shall be promptly paid into the treasury, and there held subject to disbursement in accordance with law: provided, however, that the provisions of this section shall not apply to the school-tax, which shall be collected by the tax-collectors of the several districts, and deposited with the school treasurers of the several districts, for the support of the government schools.

SECTION 478. No draft or order drawn by any District Justice, assessor, or tax-collector, upon the treasury, for salary or compensation, shall be regarded as valid, or be paid by the Minister of Finance, unless the same be countersigned by the governor of the island on which said District Justice, assessor or tax-collector may reside. Such countersignature shall be evidence of the genuineness of any such draft or order, and the governor countersigning the same shall be responsible therefor. In order to secure uniformity, and a proper security to the treasury in the payment of salaries and compensation, to persons entitled to receive the same, the Minister of Finance shall have power to prescribe the form of all accounts, drafts, or orders, relating to such salaries or compensation.

SECTION 479. For the purpose of promoting convenience in business and exchange betweeen the different islands of the kingdom, it shall be lawful for the Minister of Finance, in his discretion, to receive any current funds on deposit, to any amount not less than fifty dollars, and to issue certificates of deposit thereof, payable to bearer, on demand, without interest.

ARTICLE XII.—OF THE INTERNAL TAXES.

THE POLL TAX.

SECTION 480. An annual poll-tax of one dollar, shall be paid by every male inhabitant of the kingdom, between the ages of seventeen and sixty years, whether a Hawaiian subject, or an alien, unless the person be excused from such payment by law, or by the assessor of the district in which he resides, on account of age, infirmity, and poverty.

THE CHATTEL TAX.

SECTION 481. All horses more than two years old, male or female, shall be yearly taxed one dollar each: provided, however, that this shall not be construed to conflict with the laws relating to stallions.

All mules and asses, more than two years old, shall be yearly taxed half a dollar each.

All dogs shall be yearly taxed one dollar each.

SECTION 482. All carriages, drawn by one or more horses or mules, shall be yearly taxed five dollars each.

All wagons, drays, or carts, drawn by one or more horses, oxen, or mules, used for the transportation of goods, wares or merchandise, except those used on plantations, or farms, shall be yearly taxed five dollars each.

SECTION 483. All personal property of whatever kind, not subject to specific taxes, or specially exempted from taxation, shall be subject to an annual tax of one quarter of one per cent. upon the valuation thereof.

The term "personal property" shall be construed to include all household furniture, goods and chattels, wares and merchandise, all ships and vessels whether at home or abroad, all moneys in hand and moneys loaned, all mortgages, public stocks, stocks in corporations, and every species of property not included in real estate.

THE TAX ON REAL ESTATE.

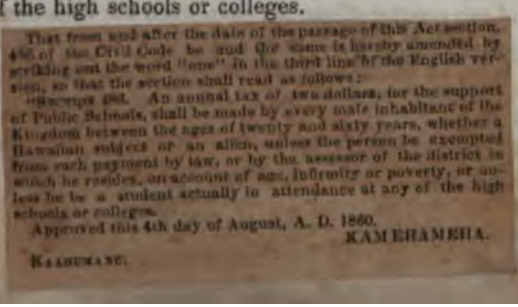
SECTION 484. There shall be assessed and collected upon all real property within the kingdom, not specially exempted from taxation, an annual tax of one quarter of one per cent. on the value of the same.

The term "real property," with respect to the assessment and collection of revenue, shall be deemed to include all lands and town lots, with the buildings, structures, and other things erected on, or affixed to the same.

SECTION 485. Real property, belonging to the King or Queen; to the Government; to the Board of Education, for the use of schools; to incorporated or private schools; to religious societies for church sites; burying grounds, and houses of education, and to literary and benevolent institutions, shall not be subject to taxation. Personal property relating to the same persons and objects, is also exempt.

THE SCHOOL TAX.

SECTION 486. An annual tax of two dollars, for the support of public schools, shall be paid by every male inhabitant of the kingdom between the ages of twenty-one and sixty years, whether a Hawaiian subject, or an alien, unless the person be exempted from such payment by law, or by the assessor of the district in which he resides, on account of age, infirmity, and poverty, or unless he be a student actually in attendance at any of the high schools or colleges.



That from and after the date of the passage of this Act section 486 of the Civil Code be and the same is hereby amended by striking out the word "here" in the third line of the English version, so that the section shall read as follows:

"SECTION 486. An annual tax of two dollars, for the support of Public Schools, shall be made by every male inhabitant of the Kingdom between the ages of twenty and sixty years, whether a Hawaiian subject or an alien, unless the person be exempted from such payment by law, or by the assessor of the district in which he resides, on account of age, infirmity or poverty, or unless he be a student actually in attendance at any of the high schools or colleges.

Approved this 4th day of August, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

SECTION 472. He shall, from time to time, instruct the collectors of customs, the collectors of taxes, assessors and other officers of his department, in relation to their duties and business.

SECTION 473. The Minister of Finance shall be personally responsible for the safe keeping of all moneys paid into the public treasury, and for the proper disbursement and appropriation thereof, pursuant to the laws: provided, however, that in case of the larceny or embezzlement of any such moneys, by any officer of his department, or other persons, said minister shall be allowed to give the fact, and that he had no collusive knowledge thereof, in evidence, and the establishment of such facts shall discharge him from personal responsibility.

SECTION 474. Said minister shall appoint, on his own faith and responsibility, a registrar of public accounts, removable at his pleasure. Such registrar shall, before entering upon his duties, give a bond with good and sufficient sureties, for the benefit of the government, to the Minister of Finance, and his successors in office, in the penal sum of not less than five thousand, nor more than ten thousand dollars, conditioned that he will well and faithfully keep the accounts of the department of finance; that he will not embezzle, or in any other way wrongfully convert to his own use, or to the use of another, any of the public moneys; and that in all other respects he will faithfully discharge the duties of his office.

SECTION 475. Said minister shall have power to administer all necessary oaths connected with the duties of his department.

SECTION 476. Said minister shall have power to certify, under the seal of his department, copies of vouchers and other documents deposited in his office; and such copies so certified shall be as valid evidence in any court as the originals.

SECTION 477. The head of each ministerial department shall be responsible for the correctness of all drafts or orders drawn by him upon the treasury, in pursuance of appropriations, and for the proper disbursements of all appropriations for his department. The same rule shall apply to the President of the Board of Education. The responsibility of

the Minister of Finance, in such cases, shall be limited to the payment of the aggregate amount of appropriations made by the Legislature. All moneys received by any department or officer of the government, on public account, shall be promptly paid into the treasury, and there held subject to disbursement in accordance with law: provided, however, that the provisions of this section shall not apply to the school-tax, which shall be collected by the tax-collectors of the several districts, and deposited with the school treasurers of the several districts, for the support of the government schools.

SECTION 478. No draft or order drawn by any District Justice, assessor, or tax-collector, upon the treasury, for salary or compensation, shall be regarded as valid, or be paid by the Minister of Finance, unless the same be countersigned by the governor of the island on which said District Justice, assessor or tax-collector may reside. Such countersignature shall be evidence of the genuineness of any such draft or order, and the governor countersigning the same shall be responsible therefor. In order to secure uniformity, and a proper security to the treasury in the payment of salaries and compensation, to persons entitled to receive the same, the Minister of Finance shall have power to prescribe the form of all accounts, drafts, or orders, relating to such salaries or compensation.

SECTION 479. For the purpose of promoting convenience in business and exchange betweeen the different islands of the kingdom, it shall be lawful for the Minister of Finance, in his discretion, to receive any current funds on deposit, to any amount not less than fifty dollars, and to issue certificates of deposit thereof, payable to bearer, on demand, without interest.

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THE POLL TAX.

SECTION 480. An annual poll-tax of one dollar, shall be paid by every male inhabitant of the kingdom, between the ages of seventeen and sixty years, whether a Hawaiian subject, or an alien, unless the person be excused from such payment by law, or by the assessor of the district in which he resides, on account of age, infirmity, and poverty.

THE CHATTEL TAX.

SECTION 481. All horses more than two years old, male or female, shall be yearly taxed one dollar each: provided, however, that this shall not be construed to conflict with the laws relating to stallions.

All mules and asses, more than two years old, shall be yearly taxed half a dollar each.

All dogs shall be yearly taxed one dollar each.

SECTION 482. All carriages, drawn by one or more horses or mules, shall be yearly taxed five dollars each.

All wagons, drays, or carts, drawn by one or more horses, oxen, or mules, used for the transportation of goods, wares or merchandise, except those used on plantations, or farms, shall be yearly taxed five dollars each.

SECTION 483. All personal property of whatever kind, not subject to specific taxes, or specially exempted from taxation, shall be subject to an annual tax of one quarter of one per cent. upon the valuation thereof.

The term "personal property" shall be construed to include all household furniture, goods and chattels, wares and merchandise, all ships and vessels whether at home or abroad, all moneys in hand and moneys loaned, all mortgages, public stocks, stocks in corporations, and every species of property not included in real estate.

THE TAX ON REAL ESTATE.

SECTION 484. There shall be assessed and collected upon all real property within the kingdom, not specially exempted from taxation, an annual tax of one quarter of one per cent. on the value of the same.

The term "real property," with respect to the assessment and collection of revenue, shall be deemed to include all lands and town lots, with the buildings, structures, and other things erected on, or affixed to the same.

SECTION 485. Real property, belonging to the King or Queen; to the Government; to the Board of Education, for the use of schools; to incorporated or private schools; to religious societies for church sites; burying grounds, and houses of education, and to literary and benevolent institutions, shall not be subject to taxation. Personal property relating to the same persons and objects, is also exempt.

THE SCHOOL TAX.

SECTION 486. An annual tax of two dollars, for the support of public schools, shall be paid by every male inhabitant of the kingdom between the ages of twenty-one and sixty years, whether a Hawaiian subject, or an alien, unless the person be exempted from such payment by law, or by the assessor of the district in which he resides, on account of age, infirmity, and poverty, or unless he be a student actually in attendance at any of the high schools or colleges.

That from and after the date of the passage of this Act section, 486 of the Civil Code be and the same is hereby amended by striking out the word "one" in the third line of the English version, so that the section shall read as follows:

"SECTION 486. An annual tax of two dollars, for the support of Public Schools, shall be made by every male inhabitant of the Kingdom between the ages of twenty and sixty years, whether a Hawaiian subject or an alien, unless the person be exempted from such payment by law, or by the assessor of the district in which he resides, on account of age, infirmity or poverty, or unless he be a student actually in attendance at any of the high schools or colleges.

Approved this 4th day of August, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

THE ROAD TAX.

SECTION 487. An annual road-tax of two dollars shall be paid by every male inhabitant of the kingdom between the ages of seventeen and fifty years, whether a Hawaiian subject, or an alien, unless the person be exempted from such payment by law, or by the assessor of the district in which he resides, on account of infirmity; or, unless he be a school-teacher actually employed, or a fireman belonging to a legally organized company, or a student actually in attendance at any of the high schools or colleges.

SECTION 488. Every person liable to the road-tax, may have his election of paying the same in money or labor: provided, always, that when he elects to pay the same in labor, he shall labor six days, annually, under the direction of the road supervisor of his district; and further provided, that eight hours labor shall be considered a full day's work.

SECTION 489. Whenever any person shall have worked six days upon the public roads, the road supervisor shall give him a certificate to that effect, which certificate, on presentation to the tax-collector, shal exonerate such person from the payment of the road-tax for that year.

ARTICLE XIII.—OF THE ASSESSMENT OF TAXES.

SECTION 490. The Minister of Finance, with the approval of the King, shall appoint, annually, on or before the first day of July, two assessors for each taxation district of the kingdom, whose duty it shall be, under the direction of said minister, to make, on or before the first day of September, a faithful assessment of all the taxes imposed by

law, within their respective districts; and to furnish an accurate list of the same to be sworn to by them, according to blank forms furnished by said minister, which shall exhibit the names of all persons assessed, and the different items of taxation charged against them. In case of non-residents, the list shall state the residence of tax-payers, if their residence is known; otherwise such residence must be described as unknown. If said assessors cannot agree in their assessment, the school-treasurer of the district shall be the umpire between them, and his decision, for the purposes of such assessment, shall be conclusive.

SECTION 491. Each assessor, on his appointment, shall take and subscribe, before a police or district justice, or other officer authorized to administer oaths, an oath of office, a certified copy of which shall be immediately forwarded by such justice or officer, to the Minister of Finance. Such oath shall be substantially in the following form:

I, ——— ———, having been appointed assessor of taxes for the district of ——, on the island of ———, do solemnly swear that I will faithfully make a fair assessment of taxes in said district, according to the best of my judgment and ability, and discharge all the duties of said office according to law: So help me God.

No assessor shall be entitled to receive any compensation for his services, until a certified copy of his oath, as aforesaid, shall be received by the Minister of Finance.

SECTION 492. It shall be the duty of the assessors of each district to call at the usual place of residence or business of every tax-payer within such district, for the purpose of ascertaining the amount of taxes each person is liable to pay; or to give public notice, by written or printed advertisement, to the inhabitants of the different settlements or convenient points thereof, to meet him, at a specified time and place within such settlements or points for that object; and if any person, when so called upon, or notified, shall decline or refuse to give a list of the persons residing with him liable to taxation, or of his or their animals, liable to specific taxes, or of any property belonging to him or them subject to assessment, or shall decline to make oath to the accuracy of the list of persons, animals, and other property he is required to furnish, the said

assessors may make such list, according to the best information within their reach, and the same shall be binding upon all persons interested.

SECTION 493. Such assessors may, in their discretion, or in the discretion of either of them, administer the following oath to any person who shall give him a list of persons, animals, or property of any description liable to taxation, as prescribed by law:

You do solemnly swear that the list of persons residing with you, and of animals, and other property in your possession, or owned by you, liable to taxation, which you have given is true: So help you God.

Any person refusing to take the oath aforesaid shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days, in the discretion of the court, on conviction of such refusal, before any police or district justice.

SECTION 494. Whenever said assessors require a list as aforesaid, and no person shall be found to furnish the same, the assessors, or one of them, shall leave a notice at the residence, or place of business of the tax payer when he resides in the district, or post up a written or printed advertisement at some public place in the vicinity, requiring such tax payer to furnish such list on or before the first day of September next ensuing, and in case said list is not furnished on or before such date, the assessors shall proceed to make out a list according to the best of their knowledge, which shall be binding upon all parties.

SECTION 495. It shall be the duty of the assessors of the several taxation districts, on or before the first day of September in each year, to compute and deliver to the governors of their respective islands, two copies of their tax list as hereinbefore prescribed, one of which shall be immediately forwarded by the governor to the Minister of Finance.

SECTION 496. Assessors who shall have faithfully discharged the duties of their office according to law, shall receive a compensation for their services, respectively, not exceeding five per cent. of the amount of taxes collected on their several lists, which, within that rate, shall be regulated by the Minister of Finance. Such assessors shall receive a

draft for such compensation on the department, drawn by the governor, when the collection of taxes is fully completed as hereinafter provided.

SECTION 497. Every person having the custody or possession of any dog, shall be deemed to be the owner thereof, and shall be taxed for the same. It shall be lawful for any tax collector, or other person to kill any dog, the owner of which shall have refused or neglected to pay his tax for the same, or for which no owner can be found.

SECTION 498. For taxation, educational and judicial purposes, the several islands shall be divided into the following districts:

The island of Hawaii shall be divided into eight districts, as follows; 1, Hilo; 2, Puna; 3, Kau; 4, South Kona; 5, North Kona; 6, South Kohala; 7, North Kohala; 8, Hamakua.

The islands of Maui, Molokai, Lanai and Kaahoolawe, shall be divided into six districts, as follows: 1, From Kahakuloa to Ukamehame, including Kahoolawe, to be called the Lahaina district; 2, From Waihee to Honuaula inclusive, to be called the Wailuku district; 3, Kahikinui, Kaupo, Kipahulu, Hana and Koolau, to be called the Hana district; 4, Hamakualoa, Hamakuapoko, Haliimaile, Makawao and Kula, to be called the Makawao district; 5, Molokai; 6, Lanai.

The island of Oahu shall be divided into five districts, as follows: 1, From Maunalua to Moanalua inclusive, to be styled the Honolulu district; 2, Ewa and Waianae to be styled the Ewa district; 3, Wailua; 4, Koolauloa; 5, Koolaupoko.

The islands of Kauai and Niihau shall be divided into six districts, as follows: 1, From Nualolo to Hanapepe, inclusive, to be styled the Waimea district; 2, From Wahiawa to Mahaulepu, inclusive, to be styled the Koloa district; 3, From Kipu to Kamalomalo, inclusive, to be styled the Lihue district; 4, From Anahola to Kilauea, inclusive, to be styled the Anahola district; 5, From Kalihiwai to Honopu, inclusive, to be styled the Hanalei district; 6, Niihau.

SECTION 499. The said assessors shall be required, under such regulations as the Minister of Finance may prescribe, to ascertain, as nearly as possible, the description by name or otherwise, of the different lands and lots, in their respective districts; and if lands, the quantity of the

same in acres as near as may be, together with such other particulars in regard to the situation and character of the same, as the said Minister of Finance may instruct them to furnish.

ARTICLE XIV.—OF THE COLLECTION OF TAXES.

SECTION 500. The several governors, under the direction of the Minister of Finance, shall superintend the collection of all internal taxes within their respective gubernatorial districts, and shall pay over all taxes received by them, except the road-tax, less the cost of collection, to the Minister of Finance. To this end, the said governors, respectively, with the approval of the Minister of Finance, shall appoint, annually, one tax-collector in each district prescribed in the last preceding section; and they may, with the like approval, control or remove such collectors at their pleasure.

SECTION 501. Such tax-collectors, before entering upon the discharge of their respective duties, shall severally file with the governor, a bond to the Minister of Finance, conditioned for the faithful performance of their duties according to law, with two sureties, to be approved by said governor, in a penal sum equal to the amount of taxes to be collected by them, as shown by the tax list, a certified copy of which shall be immediately forwarded to the Minister of Finance.

SECTION 502. The respective governors shall deliver to each tax-collector, having filed his bond as aforesaid, a copy of the tax list for his district; and said collector shall proceed immediately to collect the taxes in such district according to the same: provided, however, that it shall be his duty to add to said list any person not included therein liable to assessment, and to collect the taxes with which he may be chargeable.

SECTION 503. The said collector shall call on each tax-payer at his residence, or usual place of business, or otherwise give notice to the tax-

payers to meet him at convenient points or settlements of the district, in the months of September, October and November, to demand payment of the taxes assessed as aforesaid; and if any person shall neglect or refuse to pay his taxes, when so called upon or notified, until the last day of November, the tax-collector may levy the same by distress upon so much of the goods and chattels of such person, as he may deem sufficient for the payment of taxes and expenses of collection, and sell the same upon the order of the District Judge or Police Magistrate, after a public notice of five days. In case no property can be found whereon to levy, then such person, if able-bodied, may, by sentence of said judge or magistrate, be compelled to discharge the amount of his tax by labor on the public roads, or other public works, at the rate of twenty-five cents per day.

SECTION 504. The collector shall keep all goods distrained at the expense of the owner, until the day of sale ordered by the District Judge or Police Magistrate, unless a bond be given for the production of the same at the time required by such order. Such sale shall be at public auction, and any overplus remaining after paying the taxes assessed, and the costs of collection as allowed by said judge or magistrate, shall be returned to the owner of the property, with an account of said sale, and the costs and charges thereof, if demanded.

SECTION 505. Any collector, when resisted or impeded in the exercise of his office, may require any constable, or other officer of police, to aid him in discharge of his duties; and if any such officer shall refuse to render such aid, he shall be subject to a fine not exceeding ten dollars, and to removal from office.

SECTION 506. It shall be the duty of each collector, on or before the last day of December in each year, to pay over to the governor of the island in which his district is situated, the amount of taxes by him collected, with the exception of the school-tax, which shall be paid over to the school-treasurers; and any collector who shall have failed to do so at the time last specified, shall be liable to forfeit ten per cent of the amount of compensation for his services as collector, which forfeiture shall be at the discretion of the Minister of Finance, and it shall be the duty of the Minister of Finance to prosecute, on or before the first day

of February, the bond of any collector who shall have failed to pay over to the governor aforesaid, the amount of taxes prescribed in the preceding sections.

SECTION 507. In case no personal property can be found to satisfy any tax on real estate, it shall be the duty of the collector to return a full description of such real estate, as near as can be ascertained, to the governor, who shall report the same to the Minister of Finance on or before the first day of February next ensuing. The Minister of Finance shall make a certified copy of such report, and present the same to the Supreme Court at the next, or succeeding regular term of said court, which shall be *prima facie* evidence of the facts therein stated, and if no sufficient reason appear to the contrary, judgment shall be entered against such delinquent property, or the owners thereof, if known, and a sale of the same ordered as in cases of ordinary judgment. Said judgment and sale shall be conclusive evidence of the correctness of all proceedings antecedent to such sale. Any party in interest may redeem the property sold, by paying, within one year, the taxes, costs and charges of sale, with twenty-four per cent. per annum in addition thereto. If, at the expiration of a year, such property is not redeemed as aforesaid, the Marshal shall give a deed to the purchaser, which shall have the same force and effect as any other deed given or issued under execution from the Supreme Court. All sales of real property for delinquent taxes shall be made at Honolulu, or at such other place as the Minister of Finance shall deem expedient, by the Marshal, or under his immediate authority.

SECTION 508. It shall be the duty of the respective governors to hold the tax-collectors responsible for the full amount of taxes specified in their several tax lists, unless they shall file with the said governors a sworn list, containing the names, places of residence, so far as can be ascertained, and amount of taxes due from each person in their several districts, from whom, after using due diligence, they were unable to collect the taxes; in which case the said governors are hereby authorized to deduct the amount of said taxes as sworn to, from the amount of the assessor's tax list, and to hold the collector responsible only for the balance.

SECTION 50[illegible] tax-collector who shall have faithfully dis-

This law shall take effect and be the law of the after the day of its passage.
th 13th day of July, A. D. 1850.
KAMEHAMEHA.

charged the duties of his office, and shall have paid, on or before the first day January, to the governor of the island in which his district is situated, the amount of taxes by him collected, except the school-tax, shall receive a compensation equal to ten per cent. of the amount of taxes by him so collected, and paid over, and shall receive the governor's draft on the Minister of Finance for the amount of such compensation: provided, however, that the compensation paid to the collectors of Kona, Oahu, and Lahaina, Maui, may, in the discretion of the Minister of Finance be reduced to not less than five per cent.

SECTION 510. If any tax-collector shall die before completing the collection of the taxes of his district, the governor, with the approval of the Minister of Finance, may appoint some person to complete the collection, who shall receive such reasonable compensation as such governor and minister may determine; and such person shall have the same powers and duties, and be under the same liability as other tax-collectors: provided, however, that such liability shall only extend to the taxes remaining uncollected at the time of his appointment.

SECTION 511. In case of the death or the removal from office of any tax-collector, it shall be the duty of his executors or administrators, and of all other persons into whose hands his tax list, or any of his taxes may come, forthwith to deliver the same into the hands of the governor of his island.

SECTION 512. It shall be the duty of the tax-collectors to pay over to the school-treasurers of their respective districts, the amount of the school-taxes collected by them, and to take from the school-treasurers duplicate receipts for the amount paid to them, one of which receipts shall be immediately forwarded by the tax-collector to the President of the Board of Education, and the collectors shall be responsible for the full amount of school-taxes specified in their several tax lists, unless they shall file with the school-treasurer a sworn list containing the names, places of residence, and amount of school-taxes due from each person in their respective districts, from whom they have not been able to collect the school-tax, on account of death, or other cause of inability to collect, and of his having left with the Police or District Justice, for the purpose of collection, a list of the names of persons who have not

paid their tax, in which case the school-treasurer is hereby authorized to deduct the amount of the taxes in the list so sworn to, and the collector shall be responsible only for the balance.

The tax-collector shall be entitled to receive from the school-treasurer the same compensation for the collection of the school-tax, as is provided by law for the collection of other taxes.

GENERAL PROVISIONS.

SECTION 513. The following persons shall be exempt from all internal taxes: His Majesty, the King; the Diplomatic Agents of foreign countries, and their attachés, duly made known to the department of Foreign Affairs.

The following persons shall be exempt from personal taxes: All clergymen of any Christian denomination regularly engaged in their vocation; all teachers of youth employed in public or private schools for more than six months of the year; all soldiers in actual service; and all members of the Fire Department of Honolulu, and other towns where a fire department now exists, or may hereafter be organized, shall, in addition to exemption from personal taxes, be entitled to two horses, each free from taxation.

SECTION 514. The Minister of Finance, with the consent of the King, shall have power, and it is hereby made his duty to prescribe all needful rules and regulations for the assessment and collection of taxes, in cases where no such rules and regulations are definitely made by law: provided, however, that the same shall not be in contravention of any existing statute, or inconsistent with the Constitution.

SECTION 515. In case any officer, agent, employee or other person in the public service, shall be indebted to the Government, or to any of the departments thereof, his salary or compensation shall be withheld by the head of the proper department, or the officer authorized to settle his accounts, until such indebtedness be fully paid and discharged.

ARTICLE XV.

SECTION 516. There shall be levied, collected and paid upon all goods, wares, merchandise and produce, imported into this kingdom, a duty of five per cent. *ad valorem*, excepting wines and spirituous liquors, and excepting sugars, molasses, and syrups of sugar, and coffee, the produce of any country, with which this Government has no existing treaty, which shall be subject to the following rates of duty, viz.:

Distilled spirits, wines of all descriptions, ale, porter, beer, cider, and all other fermented liquors, cordials, and liqueurs, exceeding fifty-five per cent. of alcohol, ten dollars per gallon:

Brandy, rum, gin, whisky, arrack, and all other distilled spirits, not exceeding fifty-five per cent. of alcohol, five dollars per gallon:

Wines, cordials, and liqueurs of all descriptions other than claret, containing more than eighteen and not more than twenty-seven per cent. of alcohol, one dollar per gallon:

Claret wines, ale, porter, beer, cider, and all other fermented liquors, cordials and liqueurs, not exceeding eighteen per cent. of alcohol, five per cent. *ad valorem*.

All sugars, the produce of any foreign country with which this Government has no existing treaty, two cents per pound:

Molasses and syrups of sugar, the produce of any country with which this Government has no existing treaty, ten cents per gallon:

Coffee, the produce of any country with which this Government has no existing treaty, three cents per pound:

Provided, however, that no import duty whatever, shall be levied upon any naval stores or supplies belonging to any foreign Government, when imported and used as such; nor upon such stores and supplies as may be imported by the diplomatic representative of any foreign Government, for his own private use and consumption, in accordance with the provisions of section 467; nor upon goods allowed to be imported by whale ships, in accordance with the provisions of section 569; nor upon any oil, bone or other products of the sea, being the catch of a duly registered Hawaiian vessel:

And provided also, that the Minister of Finance may, upon special

application, allow any of the following articles to be imported free of duty, viz.: Seeds, roots and plants imported to be sown or planted in this kingdom; plows and hoes, and other implements of husbandry imported by any agriculturist, or body of agriculturists for their own use; steam engines, sugar mills, coffee mills and other machinery for the promotion and facilitating of agriculture, imported by any agriculturist or body of agriculturists for their own use; horses, mares, bulls, cows, sheep, swine, and other domestic animals, birds and bees imported for the purpose of improving or extending the breeds of these animals within this kingdom.

SECTION 517. Whenever the duties specified in this section can be substituted for those provided for in the last preceding section, without a violation of any existing treaty between this Government and any foreign Government, then in lieu of such duties, there shall be levied, collected and paid on goods, wares and merchandise imported from foreign countries the following rates of duty:

1. On alcohol and other spirits of the strength of alcohol, ten dollars per gallon; on brandy, gin, rum, whisky, and all other spirits or strong waters, of whatever name or description, below the strength of alcohol. three dollars per gallon; also on all liqueurs, cordials, bitters, brandied fruits, perfumery, and other articles of merchandise sweetened or mixed, containing alcohol, or spirits of the strength of thirty per cent., or upwards, three dollars per gallon.

2. A duty of one dollar and fifty cents per gallon on port, sherry, Madeira and other wines of whatever name or description, above eighteen per cent. of alcoholic strength; also on all cordials, bitters and other articles of merchandise of any name or description, containing, or preserved in alcohol, or spirits above that rate of strength and below thirty per cent.

3. A duty of five per cent. *ad valorem*, on all wines in casks and cases, known in commerce as wines "*de Cargaison*."

4. A duty of ten per cent. *ad valorem*, on cider, beer, ale, porter, and other fermented beverages below eighteen per cent. of alcoholic strength.

5. A duty of fifteen per cent. *ad valorem*, upon all wines of a higher quality than wines of "*cargaison*" below eighteen per cent. of alcoholic strength; also on tobacco, opium and all the manufactures thereof.

ARTICLE XV.

SECTION 516. There shall be levied, collected and paid upon all goods, wares, merchandise and produce, imported into this kingdom, a duty of five per cent. *ad valorem*, excepting wines and spirituous liquors, and excepting sugars, molasses, and syrups of sugar, and coffee, the produce of any country, with which this Government has no existing treaty, which shall be subject to the following rates of duty, viz.:

Distilled spirits, wines of all descriptions, ale, porter, beer, cider, and all other fermented liquors, cordials, and liqueurs, exceeding fifty-five per cent. of alcohol, ten dollars per gallon:

Brandy, rum, gin, whisky, arrack, and all other distilled spirits, not exceeding fifty-five per cent. of alcohol, five dollars per gallon;

Wines, cordials, and liqueurs of all descriptions other than claret, containing more than eighteen and not more than twenty-seven per cent. of alcohol, one dollar per gallon:

Claret wines, ale, porter, beer, cider, and all other fermented liquors, cordials and liqueurs, not exceeding eighteen per cent. of alcohol, five per cent. *ad valorem*.

All sugars, the produce of any foreign country with which this Government has no existing treaty, two cents per pound:

Molasses and syrups of sugar, the produce of any country with which this Government has no existing treaty, ten cents per gallon:

Coffee, the produce of any country with which this Government has no existing treaty, three cents per pound:

Provided, however, that no import duty whatever, shall be levied upon any naval stores or supplies belonging to any foreign Government, when imported and used as such; nor upon such stores and supplies as may be imported by the diplomatic representative of any foreign Government, for his own private use and consumption, in accordance with the provisions of section 467; nor upon goods allowed to be imported by whale ships, in accordance with the provisions of section 569; nor upon any oil, bone or other products of the sea, being the catch of a duly registered Hawaiian vessel:

And provided also, that the Minister of Finance may, upon special

application, allow any of the following articles to be imported free of duty, viz.: Seeds, roots and plants imported to be sown or planted in this kingdom; plows and hoes, and other implements of husbandry imported by any agriculturist, or body of agriculturists for their own use; steam engines, sugar mills, coffee mills and other machinery for the promotion and facilitating of agriculture, imported by any agriculturist or body of agriculturists for their own use; horses, mares, bulls, cows, sheep, swine, and other domestic animals, birds and bees imported for the purpose of improving or extending the breeds of these animals within this kingdom.

SECTION 517. Whenever the duties specified in this section can be substituted for those provided for in the last preceding section, without a violation of any existing treaty between this Government and any foreign Government, then in lieu of such duties, there shall be levied, collected and paid on goods, wares and merchandise imported from foreign countries the following rates of duty:

1. On alcohol and other spirits of the strength of alcohol, ten dollars per gallon; on brandy, gin, rum, whisky, and all other spirits or strong waters, of whatever name or description, below the strength of alcohol. three dollars per gallon; also on all liqueurs, cordials, bitters, brandied fruits, perfumery, and other articles of merchandise sweetened or mixed, containing alcohol, or spirits of the strength of thirty per cent., or upwards, three dollars per gallon.

2. A duty of one dollar and fifty cents per gallon on port, sherry, Madeira and other wines of whatever name or description, above eighteen per cent. of alcoholic strength; also on all cordials, bitters and other articles of merchandise of any name or description, containing, or preserved in alcohol, or spirits above that rate of strength and below thirty per cent.

3. A duty of five per cent. *ad valorem*, on all wines in casks and cases, known in commerce as wines "*de Cargaison*."

4. A duty of ten per cent. *ad valorem*, on cider, beer, ale, porter, and other fermented beverages below eighteen per cent. of alcoholic strength.

5. A duty of fifteen per cent. *ad valorem*, upon all wines of a higher quality than wines of "*cargaison*" below eighteen per cent. of alcoholic strength; also on tobacco, opium and all the manufactures thereof.

member or members of such firm equally with the party who shall have executed such bond.

SECTION 521. No clerk, or hired person in the employment of another, shall become surety to any bond to which his employer is a a party.

SECTION 522. When any bond for the payment of duties shall not be satisfied on the day it may become due, the collector shall forthwith cause a prosecution to be commenced for the recovery of the money due thereon; which prosecution may be heard and determined by the Supreme Court, or any circuit court; or by any justice of the Supreme Court at chambers, subject to an appeal to the full court in *banco*.

SECTION 523. In the case of unclaimed goods, the collector shall procure an inventory and appraisement thereof to be made, and verified on oath, or affirmation, by two or more respectable persons, and shall afterwards cause such goods to be advertised and sold at public auction, and after retaining the duties, storage and other charges and expenses, including interest on the duties from date of entry, shall pay the overplus, if any there be, into the Hawaiian treasury, there to remain for the use of the owner, who shall, upon due proof of his property, be entitled to receive the same. The collector shall transmit to the Minister of Finance, with the said overplus, a copy of the inventory, appraisement, and account of sales, specifying the marks, numbers and description of the packages sold, their contents, the name of the vessel, and master, in which, and of the place whence, they were imported, and the time when, and the name of the person or persons, to whom said goods were consigned in the manifest.

The receipt or certificate of the collector shall exonerate the master or person having charge, or command of any vessel, in which said goods were imported, from all claims of the owner thereof. When such unclaimed goods are of a perishable nature, they shall be sold forthwith.

SECTION 524. All moneys paid for unascertained duties, or for duties paid under protest against the rate, or amount of duties charged, shall be kept and disposed of as other moneys paid for duties, and shall not be held by the collector to await the ascertainment of duties, or

the result of any litigation in relation to the rate or amount of duty legally chargeable and collectable in any case where money is so paid; but whenever it shall be shown to the satisfaction of the Minister of Finance, that in any such case, more money has been paid to the collector than the law requires, he shall refund the same out of any moneys in the treasury, not otherwise appropriated.

SECTION 525. In relation to the collection of duties, and in all other matters relative to the execution of the revenue laws, the collectors, and other officers of the customs, shall obey the written insructions of the Minister of Finance: and in case any difficulty shall arise as to the true construction, or meaning of any part of such revenue laws, the written decision of the Minister of Finance shall be conclusive and binding upon such collectors, and other officers of the customs.

ARTICLE XVI.—OF PORTS OF ENTRY AND COLLECTION DISTRICTS.

SECTION 526. No goods of foreign growth or production shall be landed, or unladen from a foreign vessel or Hawaiian vessel from a foreign port, at any other port in the Hawaiian Islands, than a port of entry for foreign vessels, as created by law, under a penalty of seizure and forfeiture of the vessel, in which such goods shall be brought, and of the goods imported therein, and so landed or unladen.

SECTION 527. There shall be, and are hereby created, the following ports of entry and departure of foreign vessels:

Honolulu, in the Island of Oahu; Lahaina, in the Island of Maui; Hilo, Kealakeakua, and Kawaihae, in the Island of Hawaii; Koloa, in the Island of Kauai. But in passing from port to port, or in any other manner, no foreign vessel shall engage in the coasting trade of this kingdom.

SECTION 528. In addition to the ports named in the last preceding

section, foreign vessels engaged in the whale fishery shall have access to the port of Hanalei, on the Island of Kauai, for the purpose of recruiting and refreshment.

SECTION 529. It shall be lawful for any foreign merchant vessel having entered either of the ports open to foreign commerce, and paid all legal charges against her, with the written permit of the Collector-General of Customs, to proceed to any other place in the kingdom, not being a port of entry and departure, for the purpose of debarking cargo, the duties upon which have been paid, or of embarking cargo, or of obtaining refreshments. The collectors of customs at all other ports in the kingdom than Honolulu, may grant such permits for their respective collection districts.

SECTION 530. The Hawaiian Islands shall be divided into the following collection districts:

The Island of Hawaii into three, to be called the districts of Hilo, Kawaihae, and Kealakeakua. The collection district of Hilo shall comprise all those portions of Hawaii known as Kau, Puna and Hilo. The collection district of Kawaihae, all those known as Hamakua, and Kohala; and the collection district of Kealakeakua, all that known as Kona.

The Islands of Maui, Molokai, Lanai, and Kahoolawe, shall be known as the collection district of Lahaina.

The Island of Oahu shall be known as the collection district of Honolulu.

The Islands of Kauai and Niihau shall be known as the collection district of Koloa.

AN ACT TO AMEND SECTION 529 OF THE CIVIL CODE.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:

That Section 529 of the Civil Code be, and the same is, hereby amended, by striking out the word "Merchant."

Approved this 19th day of June, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

ARTICLE XVIII.—OF THE APPOINTMENT OF COLLECTORS, THEIR GENERAL DUTIES AND COMPENSATION.

SECTION 531. The King in Privy Council, upon the nomination of the Minister of Finance, shall appoint a suitable person to be Collector-General of Customs, for all the ports of entry and departure in this kingdom, who shall be *ex officio* collector of the port of Honolulu, and hold office during the pleasure of His Majesty.

SECTION 532. Before entering upon the duties of his office, said Collector-General of Customs shall take and subscribe an oath, before the Minister of Finance, diligently and faithfully to execute the duties of his office; and shall enter into a bond to the Minister of Finance, and his successors in office, in the penal sum of at least ten thousand dollars, with one or more sureties to be approved by said minister, conditioned that he will faithfully and honestly discharge his duties as Collector-General of Customs, and punctually pay over to the Minister of Finance, as often as required, all moneys collected by him, or any of his deputies, and make quarterly returns of his receipts and transactions, as required by law.

SECTION 533. Said Collector-General shall make quarterly returns to the Minister of Finance, commencing on the first day of January in each year, of all moneys received at the several custom houses of the kingdom, from duties, storage, or any other source, settle his account with said Minister and pay over the balance. He shall also make an annual report of the transactions and business of his department, and a statistical exhibit of the kinds, quantities, and values, of the several imports and exports of the kingdom; and also of the national characters and tonnage of all vessels which enter the several ports of the kingdom from foreign countries, and of the foreign countries from which such vessels shall arrive; and also of all vessels which depart from the

kingdom for foreign countries, and of the places for which such vessels depart; and of such other facts and matters as the Minister of Finance may from time to time require.

SECTION 534. The Collector-General shall, with the approval of the Minister of Finance, appoint a collector for each of the several ports of the kingdom, who shall be accountable to him for the faithful discharge of his duties, and who shall hold office during the pleasure of the Collector-General.

SECTION 535. Every such collector, before entering upon the duties of his office, shall take and subscribe before the Collector-General, or some magistrate within his district, an oath that he will diligently and faithfully execute the duties of said office of collector, and that he will use his best endeavors to prevent and detect frauds against, and violations of the revenue laws of this kingdom; he shall also enter into a bond to the Collector-General, with such sureties, in such penalty, and on such conditions as the Collector-General may require.

SECTION 536. Every such collector shall make quarterly returns to the Collector-General of the receipts of his office, and settle his account; and as often as required pay over all moneys in his hands, from whatever source received. He shall also make such statistical exhibits as the Collector-General may from time to time require.

SECTION 537. The collectors shall attend in person at the ports for which they are respectively appointed, and shall keep fair and true records of all their transactions, as officers of the customs, in such form and manner as may, from time to time, be directed by the Minister of Finance; and shall at all times, submit their books, papers and accounts to the inspection of such persons as may be appointed by said Minister for that purpose.

SECTION 538. Every Collector, in case of sickness, or leave of absence obtained from the Minister of Finance, and not otherwise, may perform his several functions by deputy, duly constituted under his hand and seal; and for whom, in the execution of his trusts, he shall be answerable.

SECTION 539. It shall be the duty of each collector, at the port for which he is appointed, to receive all reports, manifests, and documents to be made or exhibited, on the entry of any ship or vessel; to record all manifests, to receive the entries of all vessels and of the goods imported in them, to ascertain the amount of duties payable thereupon, endorsing the amount upon the respective entries; to receive all moneys paid for duties, and to take bonds for securing the payment thereof; to grant all permits for the unlading and delivering of goods; to grant passports; and, with the approbation of the Minister of Finance, to appoint guards and store-keepers within his district, when necessary; to administer and certify all oaths and affirmations necessary for the performance of his duty; which oaths and affirmations may be produced as evidence in any court of justice of the kingdom; and to do such other things as the law, or regulations made in pursuance thereof, may from time to time place in his charge.

SECTION 540. In addition to the duties hereinbefore specified, the Collector-General is charged with the special duty of registering and licensing Hawaiian vessels.

SECTION 541. The Collector-General of Customs, with the approval of the Minister of Finance, may appoint a deputy collector, for the port of Honolulu, to assist him in the discharge of his duties, which deputy shall receive such amount of compensation as the King in Privy Council may determine.

SECTION 542. The Collector-General of Customs shall receive an annual salary of three thousand dollars, to be paid quarterly.

SECTION 543. The Collector of Customs at Lahaina shall receive an annual salary of fifteen hundred dollars, to be paid quarterly.

SECTION 544. The Collectors of Customs at the several ports of Hilo, Kealakekua, Kawaihae and Koloa, shall receive such reasonable compensation as the Collector-General of Customs, with the approbation of the Minister of Finance, may determine.

ARTICLE XVIII.—OF THE ARRIVAL AND ENTRY OF VESSELS.

SECTION 545. The commanding officer of every merchant vessel, arriving from a foreign port, or from a domestic port, with foreign merchandise on board, at any port of entry, shall, within forty-eight hours after arrival, make known to the collector the business upon which such vessel has come to this port, furnish him with a list of passengers, and deliver him a true and perfect manifest of the cargo with which she is laden, containing an account of the packages, with their specific contents, marks and numbers, and the names of the shippers and importers or consignees, in the following form, under penalty of not exceeding one thousand dollars:

INWARD MANIFEST.

Report and manifest of cargo laden at the port of ———, on board of the ———, whereof, ——— is master, bound for ———.

MARKS.	NUMBERS.	PACKAGES, (specifying contents) OR ARTICLES IN BULK.	BY WHOM SHIPPED.	TO WHOM CONSIGNED.

Port of ———, Hawaiian Islands.

I, ———, master of the ———, do solemnly swear that the above manifest of cargo laden on board of the said ———, now delivered by me to the Collector of the port of ———, contains, according to the best of my knowledge and belief, a full, just and true account of all goods now actually laden on board of said vessel: So help me God.

Subscribed and sworn to, this ——— day of ——— 18—.

Before me,

———, Collector.

SECTION 546. Every master of a merchant vessel, at the time of delivering the inward manifest of his cargo, or if he has no cargo, within forty-eight hours after his arrival, shall deliver to the collector,

under oath, a list of all stores on board of his vessel, under penalty of forfeiting all stores not mentioned in such list, and a fine of one hundred dollars.

SECTION 547. All goods imported in any vessel, and which are not included in her inward manifest, shall be liable to seizure and confiscation; and the vessel and master shall be liable to a fine not exceeding one thousand dollars.

SECTION 548. When all the goods included in the inward manifest, are not produced or accounted for to the collector, the vessel and master shall be liable for the appraised value of such deficiency, and the duties thereon, together with a fine not exceeding one thousand dollars.

SECTION 549. Any collector may permit errors in manifests or entries to be corrected, in cases where it shall appear to his satisfaction, that there has been neither wrong intention nor gross negligence: provided, the application to make such correction, be made within forty-eight hours after the date of the manifest, or entry, or previous to completing the unlading of the vessel.

SECTION 550. The owner or consignee of goods, before obtaining a permit to discharge or land the same, shall furnish, under his oath, to the collector, a full statement of what is designed to be landed and sold, or consumed, with the invoice price, and the costs and charges, as follows:

INWARD ENTRY.

Entry of merchandise imported by ———, in the ———, of which ——— is master, from ———, at the Custom House in ———, Island of ———, Hawaiian Islands, this ——— day of ———, 18—.

MARKS.	NUMBERS.	PACKAGES AND CONTENTS. Quantities to be specified.	VALUE AS PER INVOICE.

Port of ———, Hawaiian Islands.

I, ———, do solemnly swear that the entry now subscribed with my name, and delivered by me to the Collector of ———, contains a true account of all goods,

wares and merchandise imported for sale, for me, or on my account, or on account of any person, or of any house of trade, or partnership, in which I am concerned, at this port or its dependencies (saving such goods and merchandise as are described in the other entry or entries hereunto annexed) in the ———, whereof ——— is master, from ——— ; that the said entry contains a just and true account of the cost thereof, including all charges, as per original invoice.

Subscribed and sworn to this ——— day of ———, 18—.

Before me,

——— ———, Collector of Customs.

SECTION 451. Upon such entry being made, and the duties paid to the collector, or secured to be paid by bond, as hereinbefore prescribed, the collector shall grant to the consignee, or owner of said cargo, or of any part thereof intended to be landed, a permit to discharge in the following form:

No. ——. CUSTOM HOUSE, ———, H. I.

PERMIT TO DISCHARGE.

MARKS.	NUMBERS.	PACKAGES.	

Permission is hereby given to land the above merchandise, from on board the ———, wherof ——— is master, to order of ———.

Dated ——— day of ———, 18—.

——— ———, Collector of Customs.

SECTION 552. The collector shall provide an officer, whose compensation shall be such as may be fixed by the Minister of Finance, on the recommendation of the Collector-General of Customs, to be present on board the vessel during her discharge, to superintend the landing of the goods, and see that no other or greater amount of goods are landed than is set forth on the permit.

SECTION 553. Whenever any inward entry shall be made at the Custom House, the person making such entry shall exhibit to the collector the original invoices, and bills of lading, and verify the same by oath.

If goods of which entry shall be made, be not invoiced according to their actual cost at the place of export, with design to evade the whole or any part of the duties thereon, such goods, or the value thereof, to be recovered from the person making the entry, shall be forfeited.

SECTION 554. The collectors of the several ports shall be *ex officio* inspectors, appraisers, and examiners, at their respective ports, in all cases requiring the inspection, appraisement, or examination of goods, wares, and merchandise, or other property, entering or coming in any way into such port, without invoice, or when in his opinion undervalued upon the entry, or in any other case when in his judgment the same may be necessary.

SECTION 555. Every collector shall have the power to order one or more packages, out of every invoice of goods imported into this kingdom, to be designated by him, to be sent to the Custom House for inspection, or examination; and any master, owner, importer, or consignee, who shall refuse to obey any such order of any collector, shall be liable to a fine not exceeding one thousand dollars.

SECTION 556. No person shall enter any goods, and secure the duties on them as principal in the bond, unless he is the owner or consignee at the time the vessel enters the port, or unless he is the authorized agent of such owner or consignee.

SECTION 557. Whenever any vessel shall arrive at any port of entry in this kingdom, having on board any wines, spirits, or any gunpowder, arms, or other munitions of war, or shall be taking on board any such goods for exportation, the collector of such port may immediately place on board of such vessel, one or more officers, whose duty it shall be to see that the revenue laws, and regulations of the port, are duly observed; said officer or officers shall remain on board such vessel until the goods are landed, or until the departure of said vessel. Such officers shall be compensated as provided in section 552.

SECTION 558. No goods, or articles of any description, shall be landed at any of the ports of this kingdom, on any Sunday, or national holiday; nor on other days except between sunrise and sunset, under penalty of seizure and confiscation.

SECTION 559. In case of the transhipment of goods not landed in the kingdom, the consignee or owner shall, before being entitled to a permit to tranship the same, furnish to the Collector of Customs, a full statement of the goods intended to be transhipped, with their invoice price, as follows:

TRANSIT ENTRY.

Entry of merchandise intended to be transhipped from ———, whereof ———, is master, on board of ———, whereof ——— is master.

MARKS.	NUMBERS.	PACKAGES AND CONTENTS. Quantities to be specified.	VALUE AS PER INVOICE.

Port of ———, Hawaiian Islands.

I, ———, do solemnly swear that the above entry contains a true account of all goods or articles, with the invoice, or estimate value thereof, intended to be transhipped by me, on board of ———, whereof ——— is master, and that they are truly intended to be exported by me in the said vessel to the port of ———, and are not intended to be landed in these Islands.

Subscribed and sworn to this ——— day of ———, 18—.

Before me,

———, Collector of Customs.

SECTION 560. The collector, after such transit entry has been duly made, may grant a permit to tranship, in the following form:

PERMIT TO TRANSHIP.

MARKS.	NUMBERS.	PACKAGES.	

Permission is hereby given for the above merchandise to be transhipped, from on board the ———, whereof ——— is master, to the order of ———.

———, Collector.

———, ———, 18—.

SECTION 561. An entry, for statistical purposes, shall be made of all

goods or other property imported into this kingdom, which by law are admissible duty free, by the consignee or importer thereof; and the Collector of Customs shall provide suitable blanks for that purpose.

SECTION 562. There shall be a transit duty of one per cent. *ad valorem*, charged upon all foreign goods or products transhipped in this kingdom, where the value exceeds one thousand dollars, and two per cent. upon all smaller amounts: provided, however, that no transit duty shall be charged upon the products of the whale fishery.

SECTION 563. All goods other than liquors, imported into this kingdom, shall upon exportation, if the invoice cost thereof shall amount to at least two hundred and fifty dollars, be entitled to a drawback equal to all the duties payable on such goods, except two per cent. *ad valorem*; and all liquors exported shall be entitled to a drawback equal to three-fourths of all the duties payable thereon: provided, that no goods or liquors shall be entitled to drawback unless the same are exported in the original packages, and shall have been stored, and remained in the public stores, under the charge of the Collector of Customs.

SECTION 564. If any goods entered for exportation, with intent to drawback the duties thereon, shall be landed without re-entry and payment of all charges, at any port or place within this kingdom, such goods shall be subject to seizure and forfeiture, together with the vessel from which they shall be landed; and any person concerned therein shall, on conviction thereof, be imprisoned at hard labor not exceeding six months, or fined not exceeding one thousand dollars.

OF PASSENGERS' BAGGAGE.

SECTION 565. If the master of any vessel, arriving at any port of entry of this kingdom, from a foreign port, shall suffer the baggage of any passenger on board of his vessel to be removed on shore from such vessel, unless a permit therefor has been obtained from the collector of the port,

or his agent, such master shall be liable to a fine not exceeding fifty dollars, in the discretion of the Collector of Customs.

SECTION 566. If any passenger arriving at a port of entry of this kingdom, on board of a vessel coming from a foreign port, shall remove his baggage on shore from such vessel, without first obtaining a permit therefor from the collector of the port, or his agent, such passenger shall be liable to a fine not exceeding fifty dollars, in the discretion of the court.

OF WHALE SHIPS.

SECTION 567. Every master of a whaling vessel shall enter his ship at the Custom House, within forty-eight hours after his arrival at any port of entry, and previous to discharging or shipping any seamen, or taking off any supplies or stores, under a penalty of not less than ten, or more than one hundred dollars, to be imposed by the Collector of Customs.

SECTION 568. Every master of a whaling vessel shall, within forty-eight hours after his arrival, deliver under oath, at the Custom House, a list of all wines and spirits on board as stores, and a manifest of all cargo and freight, except the produce of his fishing, and the outfits, provisions, and furniture of his vessel, under the penalty of forfeiting all such stores, cargo or freight, as are not on the list of stores or the manifest, and a fine of one hundred dollars.

SECTION 569. Every master of a whaling vessel who shall have duly entered his vessel at the Custom House, delivered all the necessary papers, and paid the legal charges due upon such entry, shall be entitled to a permit from the collector to trade, or barter goods, excepting spirituous liquors, for refreshments and supplies, to the amount of twelve hundred dollars, original invoice value, two hundred dollars of which shall be free of duties. Said permit shall be as follows :

WHALER'S PERMIT TO LAND MERCHANDISE.

CUSTOM HOUSE, ———, H. I.

MARKS.	NUMBERS.	PACKAGES AND CONTENTS. Quantities to be specified.	VALUE AS PER INVOICE.

Permission is hereby given to ———, master of the ———, whaler, to land from said vessel, goods, excepting spirituous liquors, as above named, the same being entered according to their marks, numbers and actual cost, delivered on board as per original invoice.

N. B.—Oil and bone valued as follows: Sperm oil, ——— ; whale oil, ——— ; bone, ———. All articles to be landed on this permit must be entered upon it with ink, and the value carried out before leaving the vessel.

——— ———, Collector.

To which shall be added the following deposition:

PORT OF ———, H. I.

I, ———, master of the ———, do depose on oath that I have not exceeded the value of ——— dollars, in trade or barter with the inhabitants of this port, or its jurisdiction, since my entry on the ——— day of ———, 18—, and I have not landed, or allowed to be landed from my said vessel, any goods other than what are included in this permit.

———— ————.

Subscribed and sworn to before me this ——— day of ————, 18—.

——— ———, Collector.

SECTION 570. The privilege to trade or barter granted to whaling vessels in the last preceding section, may be used at one or more ports of the kingdom, but shall not be construed so as to permit any such vessel to trade or barter goods to a greater amount, in all, than that prescribed in the last preceding section, during one visit to the kingdom.

SECTION 571. The permits to trade or barter, given to whaling vessels, do not include the trade, sale, landing, or disposal of spirituous liquors; and all such traffic on the part of such vessels, shall subject them to all the charges of merchant vessels, and to all other legal liabilities.

SECTION 572. The same duties shall be exacted of whaling vessels, as are exacted of merchant vessels, for any goods landed or disposed of by them, exceeding the value of two hundred dollars; and in case such excess amounts to more than one thousand dollars, they shall be deemed in law to have become merchantmen, and be subjected to all the charges of merchant vessels.

SECTION 573. Every master of a whaling vessel who shall fail to produce his permit, when called for by any officer of customs, shall be liable to a fine of not less than ten, nor more than fifty dollars, to be imposed by the collector.

ARTICLE XIX.—OF THE DEPARTURE OF VESSELS.

SECTION 574. Any vessel, the owner, consignee, or commander of which shall have fully complied with the laws and regulations affecting foreign trade, and with all the laws regulating the shipment and discharge of Hawaiian seamen, shall be entitled to depart upon receiving from the collector of the port a clearance in the following form:

HAWAIIAN ISLANDS.

CERTIFICATE OF CLEARANCE.

PORT OF ———, Hawaiian Islands. }
——— day of ——— 18—. }

This is to certify that the ———, of which ——— is master, bound for ———, is at liberty to proceed on her voyage.

——— ———, Collector.

It shall also be incumbent on said collector to furnish the commanding officer, a bill of the charges, more particularly hereinafter prescribed.

SECTION 575. In case any vessel does not sail within forty-eight hours after receiving a clearance, it shall be the duty of the master to report the same to the collector of the port, under a penalty of not exceeding twenty-five dollars, to be imposed by said collector.

SECTION 576. No vessel shall be entitled to a clearance, unless all proper charges at the Harbor-Master's office shall have been settled; and the collector may require the master or agent of the vessel to produce the Harbor-Master's receipt or certificate, to prove that he has settled all such charges.

SECTION 577. Any person wishing to export any foreign goods, shall enter the same at the custom-house of the port where they may be stored, in the following form:

OUTWARD ENTRY.

Entry of merchandise intended to be exported by ——, on board the ——, whereof —— is master for ——, which were imported on the ——, by ——, in the ——, —— master, from ——, for the benefit of drawback.

MARKS.	NUMBERS.	PACKAGES AND CONTENTS. Quantities to be specified.	VALUE AS PER INVOICE.

PORT OF ——, R. I.

I, ——, do solemnly swear that the articles specified in the above entry were imported in the ——, of which —— was master, from —— ; that they were duly entered at this port; that they have been stored under the direction of the Collector of Customs, since the —— day of ——, 18— ; and that they are not intended to be re-landed in this kingdom.

—— ——.

Subscribed and sworn to this —— day of ——, 18—.

Before me,

——, Collector of Customs.

SECTION 578. Due entry having been made of the goods intended for exportation, the collector shall grant a permit for lading the same, on board the vessel named in such entry, such lading to be made under the superintendence of the collector, or such other person as he may appoint for that purpose.

SECTION 579. To entitle any vessel to a clearance, it shall be incumbent on her commanding officer, first to furnish the collector of the port

with a manifest of the cargo laden on board of such vessel, which manifest shall be given under oath, contain a full statement of all the goods on board, expressing contents, quantities and value, and distinguishing between domestic, foreign and transhipped goods, and shall also contain a list of her stores taken from bond, and passengers.

SECTION 580. No vessel having cargo on board intended for a foreign country, shall touch at any place in this kingdom, other than a port of entry, except as provided in section 529; and any vessel violating the provisions of this section, shall be subject to a penalty not exceeding five hundred dollars, in the discretion of the court.

SECTION 581. If any vessel shall sail from any port in this kingdom without first obtaining a clearance, the commanding officer thereof shall be subject to a fine not exceeding one thousand dollars, in the discretion of the court; for the payment of which fine, the vessel shall be liable to seizure, condemnation and sale.

ARTICLE XX.—OF HARBOR MASTERS—THEIR GENERAL DUTIES AND COMPENSATIONS.

SECTION 582. The Minister of Finance, upon the nomination of the Collector-General of Customs, shall appoint a harbor-master for such of the ports of entry for merchant vessels, as the said Minister and Collector-General may deem necessary, who shall hold office during the pleasure of the said Minister, and who, before entering upon the duties of his office, shall give a bond to the Collector-General of Customs, in the penal sum of at least one thousand dollars, with sureties to be approved by the said Collector-General, conditioned that he will faithfully and honestly discharge the duties of harbor-master, and account for and pay over to the Collector-General, all moneys received by him as required by law.

SECTION 583. It shall be the duty of the Harbor-Master of Honolulu, and Hilo, to board all vessels arriving from foreign ports, as soon

as possible after they shall have entered the harbor; to direct them where and how to moor or make fast; to change their anchorage or moorings from time to time as circumstances may require; to see that the commanding officer has the printed port regulations, and to receive a list of passengers, to be delivered at the collector's office. He shall also be wharfinger at the port for which he is appointed.

SECTION 584. The Harbor-Master of Honolulu, and of Hilo, shall also have authority over the anchoring, mooring and making fast, of all hulks, coasters, boats, and other craft in the harbor; and he is charged in general with the enforcement of all harbor regulations.

SECTION 585. The Harbor-Master of Honolulu shall not act as a pilot of the port.

SECTION 586. The Harbor-Master, at the respective ports, is charged with the granting of permits for the discharge and residence on shore of foreign seamen, as prescribed by law; and it shall be his duty to notify the chief of police of the port, on the expiration of every such permit.

SECTION 587. The Harbor-Master of Honolulu, and also of Hilo, shall be entitled to collect and receive from every vessel, except vessels engaged in the coasting trade, boarded by him, or to which he renders assistance or service, the sum of three dollars, in addition to his disbursements for the use of boats and warps, and for labor in mooring or making fast such vessels; and if necessarily detained on board more than two hours at any one time, he shall be paid at the rate of one dollar per hour for such extra detention; and for each time that he may be called upon to board, or that it may be necessary for him to board any such vessel, after having once moored her properly, he shall be entitled to receive the same pay as in the first instance.

SECTION 588. The compensation of the harbor-masters of other ports, shall be such reasonable sum as may be determined by the Minister of Finance and the Collector-General of Customs: provided, that it shall be at their option to refuse any compensation, in cases where they shall deem it unnecessary.

SECTION 589. The harbor-masters shall receive for their services as

wharfingers, such a reasonable per centage of the receipts from wharfage as may be determined by the Minister of the Interior, not to exceed ten per cent.

SECTION 590. It shall be the duty of the several harbor-masters to make a quarterly report of the transactions of their offices, together with the amount of compensation received by them, to the Minister of Finance.

ARTICLE XXI.—OF PILOTS AND BOARDING OFFICERS—THEIR DUTIES AND COMPENSATION.

SECTION 591. The Minister of Finance, upon the nomination of the Collector-General of Customs, shall appoint one or more pilots, for each of the ports of Honolulu, Hilo, and Hanalei, to hold office during the pleasure of said Minister. Said pilots, in case of sickness, or temporary absence, may, with the approval of the collector of the port, appoint deputies to act in their behalf, for whose conduct they shall be responsible.

SECTION 592. Each of the pilots for Honolulu shall give a bond to the Collector-General of Customs, with sureties to be approved by said Collector-General, in the penal sum of five thousand dollars; and the pilots for other ports shall give a like bond, in the penal sum of one thousand dollars; which bond shall be conditioned that the pilot shall faithfully perform all the duties imposed upon him by law; that he will not countenance any evasion or infraction of the revenue laws; and that he will continually hold himself in readiness to conduct vessels safely into, and out of, the port for which he is appointed.

SECTION 593. In case of a breach of the condition of any such bond, the Collector-General of Customs, or any person injured thereby, may institute a suit upon such bond before any judge of a court of record, and thereupon recover such damages as shall be assessed, with costs of

suit; for which execution may issue in favor of such person; and in case the party prosecuting shall fail to recover in the suit, judgment may be rendered, and execution may issue for costs in favor of the defendant against the party who shall have instituted the suit. Every suit on any such bond shall be commenced within one year after the right of action shall have accrued, and not afterwards.

SECTION 594. Upon the arrival of any vessel, making the usual marine signal for a pilot, it shall be the duty of the pilot or pilots at the port, to immediately put off to such vessel, taking with him a white and a yellow flag, to enquire into the sanitary condition of the ship, and the health of those on board; and upon being assured to his satisfaction that there is no danger to be apprehended from any contagious disease, he shall board such vessel, but not otherwise.

SECTION 595. Upon boarding the vessel, the pilot shall present the commanding officer with a health certificate to be signed by him, and in case the same shall be signed, the white flag shall be immediately hoisted at the main, and the pilot shall be at liberty to bring the vessel into port; but in case the commanding officer shall decline to sign the certificate of health, the pilot shall deliver him a yellow flag, which the master shall hoist at the main, and the vessel shall be placed in quarantine outside of the harbor, and anchored where the pilot may direct. Any pilot who shall conduct a vessel into any port in this kingdom, in violation of the provisions of this section, or any of the regulations of the Board of Health, or knowing that there is just ground to suspect the existence of contagion on board, shall be liable to a fine not exceeding five hundred dollars; and every vessel, the master of which shall have declined to sign a certificate of health, as above prescribed, shall, upon entering port, be liable to seizure, confiscation and sale.

SECTION 596. If the pilot, after boarding any vessel, shall discover the existence of a contagious disease, he shall not return on shore; neither shall it be lawful for any of the ship's company or passengers to land, or communicate with the shore, or board any other vessel, without permission of the Board of Health, or the collector, under a penalty of a fine not exceeding five hundred dollars.

SECTION 597. The pilots of Honolulu shall bring the vessel which

they may take charge of fully within the harbor, (within the inner buoy unless otherwise directed by the Harbor-Master) and anchor her in a suitable and convenient place, under penalty of forfeiting their commissions.

SECTION 598. No pilot shall take out any vessel that may be under attachment or arrest, by virtue of any process, nor before she has obtained her clearance, under penalty of forfeiting his commission, and paying a fine not exceeding one thousand dollars.

SECTION 599. The compensation of the pilots shall be as follows: One dollar per foot upon the vessel's draft, coming into port, and the same going out of port; for anchoring any vessel off the port of Honolulu, provided the pilot be not detained on board longer than twenty-four hours, ten dollars; and if detained longer than twenty-four hours, five dollars per day for such detention.

SECTION 600. If any foreign vessel, or Hawaiian vessel, engaged in foreign trade, shall enter or depart from any of the ports for which pilots may be appointed, without a pilot, such vessel shall be liable to one-half pilotage.

SECTION 601. The pilot's fees and the health fees shall form a part of the port charges, which shall be paid by every vessel to the collector of the port, and no collector shall grant a clearance to said vessel until such fees are paid.

SECTION 602. There shall be appointed in like manner as the pilots, at each of the ports of Lahaina, Kealakeakua, Kawaihae and Koloa, an officer to be called a boarding officer, whose duty it shall be to board every foreign vessel, and every Hawaiian vessel coming from a foreign port, as soon as possible after its arrival; obtain the health certificate; deliver the printed port regulations to the commanding officer; receive the list of passengers to be delivered at the collector's office; and at all times hold himself in readiness to act as pilot when required. It shall also be his duty to report to the proper authorities, all violations, or suspected violations, of the revenue or harbor laws.

SECTION 603. Previous to entering upon his duties, every boarding

officer shall give to the Collector-General a bond in the penalty of five hundred dollars, with satisfactory surety, conditioned that he will faithfully and honestly perform all the duties imposed upon him by law; that he will not countenance any evasion or infraction of the revenue laws; and that he will give notice to the proper authorities of all violations, or suspected violations, of the revenue or harbor laws, that may come to his knowledge.

SECTION 604. Every boarding officer shall be entitled to receive from each vessel boarded by him, the sum of five dollars, (which shall include pilotage when required) which shall be paid to the collector of the port, before the vessel shall be entitled to receive a clearance.

ARTICLE XXII.—PORT REGULATIONS.

SECTION 605. All vessels that may enter any port shall be anchored in the place designated by the Harbor-Master, and moved from one anchorage to another, as he may direct; and no vessel, excepting coasting vessels under fifty tons burthen, and vessels about to leave the harbor, shall quit her anchorage or moorings until the commanding officer shall have received the written permission of the Harbor-Master, under penalty of a fine not exceeding one hundred dollars.

SECTION 606. The Harbor-Master, or any pilot, while removing a vessel from one anchorage or mooring to another, may make fast to any other vessel, or to any warp or wharf; and any person resisting the same, cutting away, or casting off the warp or fastening, shall be subject to a fine not exceeding one hundred dollars; and if such person belong to any vessel, the master of such vessel shall be responsible for any damages resulting from such resistance, cutting away, or casting off, as well as the fine imposed upon the offender.

SECTION 607. In order to facilitate the removing and placing of

vessels in their proper berths, all vessels in the harbor shall, when requested by the Harbor-Master or any pilot, slack down their stream cables and other fastenings, and also their bower chains, under penalty of a fine not exceeding one hundred dollars.

SECTION 608. All vessels entering port shall, if so requested by the Harbor-Master or any pilot, rig in their jib, flying jib, and spanker booms, and spritsail yards, and top their lower and topsail yards, within twenty-four hours after anchoring in such port; and in all cases before attempting to come alongside of, or make fast to either of the docks or wharves, and keep them so rigged in and topped until within twenty-four hours before leaving the harbor, and until after removing from any wharf or dock, under the penalty of a fine not exceeding one hundred dollars.

SECTION 609. All vessels anchoring outside the reef at Honolulu, shall, when so requested by the Harbor-Master or any pilot, change their anchorage, and anchor in such place as he may direct, under penalty of a fine not exceeding one hundred dollars.

SECTION 610. No combustible materials, such as pitch, tar, resin, or oil, shall be heated on board of any vessel within the harbor of Honolulu, but all such combustible articles shall be heated either on shore, or in a boat, or on a raft, at a reasonable distance from the vessel, of which distance the Harbor-Master shall be the judge. Every person violating the provisions of this section, shall be liable to a fine not exceeding one hundred dollars.

SECTION 611. No stones or other rubbish, shall be thrown from any vessel into the harbor of Honolulu, or Hilo, under penalty of a fine not exceeding one hundred dollars, and the master of any vessel from which stones or rubbish are thrown, shall be subject to a like fine.

SECTION 612. Any person who shall throw, or cause to be thrown, or leave or cause to be left, for the space of six hours, upon the shores or reefs of any harbor in this kingdom, any dead animal, shall be subject to a fine not exceeding one hundred dollars, and shall cause the same to be removed without delay.

SECTION 613. Every vessel taking on board, or discharging any ballast, or coals, within the harbor of Honolulu, shall have a tarpaulin properly stretched and spread so as to prevent any from falling into the water, under penalty of a fine not exceeding one hundred dollars.

SECTION 614. If any person commit any offense on shore, and the offender escape on board any vessel, it shall be the duty of the commanding officer of said vessel to surrender such offender to any officer of the police who may demand his surrender, either with or without a warrant, on production of his commission or appointment; and if such commanding officer shall refuse to surrender such offender, he shall be subject to a fine of not less than fifty, nor more than one thousand dollars; and upon written notice to the Collector of Customs by said officer of police, the vessel shall not receive a clearance at the Custom House, until the fine is paid, and the offender surrendered.

SECTION 615. If the commanding officer of any vessel shall secrete, or allow to be secreted, on board such vessel, any prisoner amenable to, or convicted under the laws of this kingdom, or convey him out of the jurisdiction of the Hawaiian Islands, he shall be subject to a fine of not less than fifty, nor more than one thousand dollars; and the vessel in which such prisoner shall be conveyed shall be liable to a like fine, for the payment of which she may be seized, condemned and sold.

SECTION 616. It shall be lawful for the Marshal, any Sheriff, or other police officer, to search any vessel for deserters, criminals, or other offenders or debtors, without a warrant, on producing to the commanding officer of the vessel, his commission or appointment as Marshal, Sheriff, or police officer; and the commanding officer of a vessel who shall refuse any Marshal, Sheriff, or other police officer, access to the vessel or any part thereof, shall be subject to a fine not less than ten dollars, nor more than one thousand dollars, in the discretion of the court; and such vessel shall not be entitled to a clearance, until the fine is paid, and the search allowed: provided, however, that the provisions of this section shall not be construed to interfere with the jurisdiction of foreign consuls, under existing treaty stipulations.

SECTION 617. Nothing contained within the last three preceding sec-

tions, shall be so construed as to apply to ships of war, or other vessels commanded by officers bearing the commissions of foreign states, and not subject to search by the law and usage of nations.

SECTION 618. No foreign consul, vice-consul, or consular agent, shall deliver to the master of any foreign vessel, the register, and other papers of such vessel deposited with him, until such master shall produce to him a clearance in due form, from the collector of the port; and any consul, vice-consul, or consular agent, offending against this provision, shall, upon conviction thereof before the Supreme Court, be fined in the discretion of the court, not less than one hundred dollars, nor exceeding one thousand dollars.

SECTION 619. The Governor of Oahu shall cause a bell to be rung at the port of Honolulu, at nine and a half o'clock of each evening, as a signal to all mariners at that time on shore, without the written permission of the chief of police, to return on board their vessels; and the bell shall again be rung at ten o'clock, and all mariners found on shore after that time, without such written permission, shall be liable to arrest, and a fine of two dollars.

SECTION 620. The Governor of Maui shall, at sunset of each day, cause a drum to be beaten at the port of Lahaina, as a signal to all mariners on shore, to return on board their vessels; and he shall also cause the drum to be again beaten, one hour after sunset, and all mariners found on shore after that time, without the written permission of the chief of police, shall be liable to arrest, and a fine of two dollars.

AN ACT

TO AMEND SECTION 620 OF THE CIVIL CODE.

BE IT ENACTED *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That from and after the day of the passage of this Act, section 620 of the Civil Code is hereby amended, to read as follows, viz.:

SECTION 2. "The Governor of Maui shall cause a bell to be rung at the port of Lahaina at seven o'clock of each evening, as a signal to all mariners, at that time on shore without the written permission of the Chief of Police, to return on board their vessels; and the bell shall again be rung at eight o'clock, and all mariners found on shore after that time without such written permission, shall be liable to arrest and a fine of two dollars."

Approved this 13th day of July, A. D. 1846.

KAMEHAMEHA.

KEAHUMANU.

ARTICLE X[illegible] DESERTERS

SECTION [illegible] ommanding officer shall, [illegible] undred dollars, within forty-eight hours thereafter, inform the chief of police of the

port of such desertion, who shall cause diligent search to be made for such deserter, to the end that he may be restored to his vessel.

SECTION 622. In case of the arrest of any deserter near the port, where the vessel is at anchor, the chief of police shall be entitled to receive from the commanding officer for such arrest, the sum of six dollars; and if arrested at a distance of more than five miles from the port, said chief of police shall be entitled to receive the sum of twelve dollars, besides such necessary expenses as may have been incurred in arresting such deserter, and bringing him to the port.

SECTION 623. Every seaman who shall desert from the vessel on which he has shipped, bound for a foreign voyage, after the said vessel shall have left port, shall, on being arrested, pay back to the agent of said vessel the amount of his advance, or in default thereof, be confined at hard labor for the term of not more than six, nor less than four months, in the discretion of the court.

SECTION 624. In case the commanding officer of any vessel shall decline to receive any deserter from his vessel, upon arrest, and such deserter shall remain in prison after his arrest, the commanding officer shall pay one dollar per day for the time during which said deserter shall so remain imprisoned; and in all cases where a vessel shall have left the port, previous to the arrest, the commanding officer thereof shall, on her return, be liable for the arrest and detention of all deserters from such vessel.

SECTION 625. The agents, owners, or masters of vessels, on account of whom the deserters have been apprehended, shall, upon the requisition of the local authorities, take or send such deserters out of the kingdom, or give security to the satisfaction of the chief of police, for their good conduct; and in case any such agent, owner or master, shall refuse or neglect to comply with such requisition, he shall be subject to the payment of five dollars per day, for the time during which any such deserter is detained in custody.

SECTION 626. All deserters, not taken or sent out of the kingdom, may be put to hard labor, during their confinement, by the chief of police, at his discretion.

SECTION 627. Any person aiding or abetting the desertion of any seaman, shall be subject to a fine not exceeding one hundred dollars, in the discretion of the court.

SECTION 628. Upon written application made to the chief of police of any port, by any foreign consul, vice-consul, or commercial agent, residing in this kingdom, requesting the arrest of any mutinous person, or persons, on board of any vessel of his nation, being within the jurisdiction of this kingdom, it thall be lawful for such chief, or any other officer of police, to proceed on board such vessel, and arrest the person or persons described in such application: provided such consul, vice-consul, or commercial agent, shall state in his application, that he will indemnify the chief of police from all damages, which may result from said proceeding, and from the detention of such person or persons, and that he will pay all costs and charges incident thereto.

SECTION 629. It shall be lawful for the chief of police to detain such arrested person or persons, in prison, until called for by the foreign agent, who caused their arrest.

ARTICLE XXIV.—OF THE REGISTRY OF VESSELS.

SECTION 630. No vessel shall be entitled to be registered in this kingdom, or to be deemed a Hawaiian vessel, and entitled to the privileges appertaining thereto, unless such vessel be wholly owned by a subject or subjects of this kingdom: provided, however, that any vessel fitted out for the prosecution of the whale or seal fishery, may be registered in the name of any part owner of such vessel, actually domiciled in this kingdom, whether a subject or not.

SECTION 631. Upon application made to the Collector-General of Customs, pursuant to the terms of the last preceding section, in writing

and under oath, setting forth the name and the description of the vessel, whether the same is domestic or foreign built, and if foreign built, how acquired, accompanied by the evidences of title, said Collector-General shall cause such vessel to be measured, and her tonnage correctly ascertained, according to the mode hereinafter prescribed.

SECTION 632. Either of several owners of a vessel may make application for her registry, but he shall set forth in his application the share of each owner respectively.

SECTION 633. The tonnage of every vessel shall be ascertained as follows: If such vessel be double-decked, take the length thereof from the fore part of the main stem, to the after part of the stern-post, above the upper deck, the breadth thereof, at the broadest part above the main wales, half of which breadth shall be accounted the depth of such vessel; then deduct from the length three-fifths of the breadth, multiply the remainder by the breadth, and the product by the depth, divide this last product by ninety-five, and the quotient thereof shall be deemed the true tonnage of such vessel. If such vessel shall be single-decked, take the length and breadth, as above directed, in respect to a double-decked vessel, deduct from the length three-fifths of the breadth, then, take the depth from the under side of the deck-plank to the ceiling in the hold, multiply and divide as aforesaid, and the quotient shall be deemed the tonnage of such vessel.

SECTION 634. Upon application being made for the registry of any foreign built vessel, unless such vessel shall have been sold under a judicial decree of some court of this kingdom, the Collector-General shall notify the Minister of Foreign Affairs of such application; and it shall be the duty of said minister to inquire, officially, of the accredited representative, or consul, if such there be in this kingdom, of the nation to which said vessel belongs, whether any legal impediment exists to her registry; and upon receipt of a reply, he shall communicate the same to the Collector-General, for his guidance.

SECTION 635. The Collector-General shall, upon ascertaining the tonnage of any vessel intended to be registered, and being satisfied that no legal impediment exists to her registry, proceed to register the same

in his office, as a Hawaiian vessel, and shall issue to the applicant therefor a certificate of such registry, in the following form :

No. ——.

KNOW ALL MEN BY THESE PRESENTS, that, pursuant to the laws of the Hawaiian Islands, the ——, of —— tons, whereof ——, a ——, is owner (or if several owners, setting forth the name and share of each) and being —— rigged, having —— masts, (here further describing her) has been duly registered as a Hawaiian vessel, at the Custom-House in Honolulu, and is therefore entitled to all the rights and privileges appertaining to Hawaiian vessels, whether in the ports of this kingdom, or those of other nations, or upon the high seas.

In witness whereof, I have hereunto set my hand and official seal, at Honolulu, Hawaiian Islands, this —— day of ——, A. D. 18—.

(L. S.) ———— ————,

Collector-General of Customs.

SECTION 636. Upon the registration of any vessel, as provided in the last preceding section, the Collector-General shall exact from the party applying for such registry, a bond with good and sufficient surety, to be approved by said Collector-General, in the penal sum of not less than two hundred dollars, nor more than two thousand dollars, as shall be graduated by the Collector-General in proportion to the tonnage of the vessel, conditioned that the certificate of such registry shall be solely used for the vessel for which it is granted, and shall not be sold, lent, or otherwise disposed of, to any person whomsoever; and that in case said vessel (if the same be not a vessel employed in the whale or seal fishery) shall become either wholly or in part, the property of any alien foreigner or foreigners, or in case she shall be lost, taken by an enemy, burnt or broken up, the said certificate of registry shall be returned to the said Collector-General within six months after such change of ownership, loss, capture, burning or breaking up: provided, however, that in case of capture, burning or loss, the obligors in such bond shall be exonerated from liability thereon, upon satisfactory proof to the Collector-General that such certificate of registry could not be preserved.

SECTION 637. Every vessel duly registered as in this article provided, shall be deemed in law a Hawaiian vessel, and shall be entitled to all the rights and privileges appertaining to domestic vessels. The certificate of registry of such vessel shall be *prima facie* evidence of the ownership and nationality thereof.

SECTION 638. Whenever any foreign built vessel shall have been newly registered by the Collector-General of Customs, he shall notify the Minister of Foreign Affairs, and at the same time forward to said minister the foreign register of such vessel, or in default thereof, a statement of such information as he may possess, in respect to the disposition which has been made of such register. Upon receiving such foreign register, or information relating thereto, the Minister of Foreign Affairs shall transmit the same to the accredited representative, or consul, if such there be in this kingdom, of the nation to which such vessel formerly belonged, and shall notify such representative, or consul, of the new registration of the said vessel.

SECTION 639. The Collector-General shall preserve in his office a duplicate of each certificate of registry granted by him, and in case of the loss, or destruction of any such certificate, he shall furnish, upon the application of the owner of the vessel, to which such certificate belonged, and at his expense, a certified copy of the duplicate original, which copy shall possess the same weight and validity as the original certificate.

SECTION 640. It shall be the duty of the Collector-General to keep a record of all transfers, by sale or otherwise, and all mortgages, or hypothecations, of any Hawaiian registered vessel, or any part thereof; and no such transfer, mortgage or hypothecation, shall be valid or effectual unless made by a written instrument, nor until such instrument shall have been deposited with said Collector-General for record. The time of such deposit shall be noted by said Collector-General, or his deputy, upon the back of every such instrument respectively, and the same shall be deemed to have been recorded from that time: provided, however, that the provisions of this section shall not be held to apply to bottomry bonds, and other hypothecations of a like nature, made in a foreign country.

SECTION 641. Every transfer of a registered vessel, or any part thereof, when duly made and recorded as prescribed in the last preceding section, shall entitle the transferee, being a Hawaiian subject, or otherwise entitled to the right of registry of such vessel, to all the rights and interests of the original registered owner, in respect to such vessel and registry.

SECTION 642. Upon the payment or discharge of any mortgage, or hypothecation, upon a registered vessel, or any part thereof, it shall be the duty of the mortgagee or pledgee, or his lawful representative, to execute and deliver to the mortgagor or pledger a release duly acknowledged, which shall be entered of record by the Collector-General; or to cancel the same upon the record by written entry of satisfaction thereon, under penalty of a fine not exceeding one hundred dollars, for every such neglect or refusal, and under a further liability to pay all damages occasioned thereby.

SECTION 643. In case of the transfer, mortgage, or hypothecation of a registered vessel, or any part thereof, it shall be the duty of the owner or owners of such vessel to produce her certificate of registry, to the Collector-General, within three days thereafter, or if the vessel be not at the time within the kingdom, then immediately after her return; and the Collector-General shall note in brief, such transfer, mortgage, or hypothecation, upon the back of said certificate. Upon a violation of the provisions of this section, every such vessel shall be liable to seizure, condemnation and sale.

SECTION 644. Whenever any certificate of registry is given up to the Collector-General, upon the transfer of the vessel to which such certificate belonged, he shall, before re-issuing such certificate with his endorsement of transfer thereon, or before granting a new certificate of registry to such vessel, exact of the owner or owners, the bond prescribed by section 636.

ARTICLE XXV.—OF PASSPORTS.

SECTION 645. Every person who may have resided on these islands for more than thirty days, wishing to leave the kingdom, shall make application to the collector of the port from which he intends to sail, for a passport.

SECTION 646. It shall be lawful for the Collectors of Customs, and in case of their sickness or absence, for their respective deputies, to grant passports to all applicants for the same, as provided in the last preceding section, upon the payment of one dollar, the price of the stamp, except in the following cases:

First. In case of the indebtedness or obligation to pay money, of the applicant, to the Government or to any private individual, of which the collector has received written notice, accompanied by a request not to grant a passport;

Second. In case the applicant is a party defendant in a suit, civil or criminal, pending before any court in this kingdom, of which the collector shall have received written notice;

Third. In case of a writ of *ne exeat regno*, or any other process to arrest or stay the departure of the applicant, shall have been issued by any court of the kingdom, of which the collector shall have received notice in writing;

Fourth. In case of a written complaint being made to the collector, that the applicant is about to depart the kingdom, leaving his wife or family unprovided for.

SECTION 647. Every Collector of Customs may, after granting a passport, cancel the same, upon being satisfied that it was obtained by any deceit or misrepresentation; or that the permission to leave the kingdom will work great wrong or injustice to the Government, or to any individual. The collector shall, within twenty-four hours after cancelling any such passport, give written notice of such cancellation to the master or commanding officer of every vessel in port, either by personal service, or by leaving the same on board such vessel, and shall forward a like notice to the Government Gazette for publication.

SECTION 648. No passport shall be construed to prevent the arrest of any person obtaining the same, upon process issuing out of any court of the kingdom.

SECTION 649. Every person who shall depart from any port in the kingdom with the intention of leaving the same, without first obtaining a passport, shall be subject to a fine not exceeding one hundred dollars, in the discretion of the court.

SECTION 650. Every collector who shall grant a passport contrary to the provisions of section 646, and shall refuse to cancel the same in accordance with the provisions of section 647, previous to the departure of the person obtaining the same, shall be subject to a fine not exceeding one hundred dollars, in the discretion of the court; and the party injured thereby may have his remedy against him by a civil action.

SECTION 651. Every master or commanding officer of a vessel, who shall convey out of this kingdom, any person not having a passport, shall be subject to a fine of fifty dollars, and be liable for all debts which such person may have left unpaid in this kingdom; and if he shall fail to pay such fine and debts, such vessel shall be subject to seizure, condemnation and sale for the payment thereof: provided, always, that none of the provisions of this section, or article, shall be construed as applicable to any seaman legally shipped on board of any vessel.

SECTION 652. Nothing in this article contained shall be construed as contrary to section 453, which provides for the granting of passports by the Minister of Foreign Affairs in certain cases.

SECTION 653. Any person who has obtained a passport to leave the kingdom, who may leave and return within one year, may leave again under the same passport, there being no written notice filed against him; provided it be vised by the collector of the port, at which any such party may embark. After the lapse of one year a new passport shall be required.

SECTION 654. In all cases in which any collector shall have refused, or cancelled a passport, on any of the grounds set forth in sections 646 and 647, such collector may, in case such applicant shall file with him a sufficient bond with sureties to be approved by him, conditioned that said applicant will pay the amount of his indebtedness, or obligation, or abide the results of the suit, and pay the amount of any judgment that may be rendered against him in any pending suit, or provide for the support of his family, as the case may be, issue a passport to the party applying for the same.

ARTICLE XXVI.—OF SMUGGLING, AND OTHER FRAUDS AGAINST THE REVENUE LAWS.

SECTION 655. Every person who shall be in any way engaged in the importation, introduction, landing, or transhipping of any goods, wares or merchandise, subject to duty, without paying or securing the payment of such duty, or who shall make out or pass, or attempt to pass, through any custom-house, any false, forged or fraudulent invoice, and also his aiders and abettors, shall be deemed guilty of the misdemeanor of smuggling, and on conviction thereof, shall be fined not less than fifty, nor more than one thousand dollars, or imprisoned at hard labor not exceeding two years, in the discretion of the court; and all goods, wares, and merchandise, so smuggled or attempted to be smuggled, and the vessel from which they are smuggled or attempted to be smuggled, together with all her boats, tackle, apparel and furniture, and all other boats, vessels, and craft of whatever description, in any way used or engaged in such smuggling, or attempt to smuggle, shall be forfeited, and may be seized, condemned and sold for the benefit of the Hawaiian Government.

SECTION 656. Any person who shall be charged with, or suspected of, the offense of smuggling, or attempting to smuggle, may be arrested by any officer of the police or customs, without a warrant, and detained until he can be brought before some police or other justice, for examination.

SECTION 657. In all cases where any person shall be charged with smuggling, or attempting to smuggle, any goods, wares or merchandise, it shall be incumbent on such person to prove the legal importation, and the payment of the duties required by law.

SECTION 658. All baggage, or other property, exempt from duty,

landed without due entry and permit, first made and obtained, shall be forfeited, and be liable to seizure and sale.

SECTION 659. Whenever any article, subject to duty, shall be found in the baggage of any person, which shall not, at the time of making entry for such baggage, have been mentioned to the collector, it shall be forfeited; and the person in whose baggage it shall be found shall forfeit and pay five times the value of such article.

SECTION 660. All vessels, boats, goods, wares, merchandise, or other property, liable to forfeiture shall, and may, be seized in any place, either upon land or water, by any collector or other officer of customs, by any person employed for the prevention of smuggling, or by any sheriff, constable, or police officer; and all property so seized by any other person than a collector, shall, as soon as convenient, be delivered into the care of the collector, nearest the place of seizure.

SECTION 661. It shall be lawful for any collector or other officer of customs, to go on board of, and examine any vessel, on her entry into and departure from this kingdom, and at any other time that such collector or other officer may deem it necessary.

SECTION 662. It shall be lawful for any collector, or other officer of customs employed for the prevention of smuggling, or for any sheriff, constable, or police officer, to go on board any vessel, when he shall have reason to suspect any goods subject to duty are concealed on board of such vessel, and upon producing his commission, or appointment to office, to search for, seize and secure any such goods.

SECTION 663. If any collector, or other officer of customs, or sheriff, constable, or other police officer, shall suspect the concealment of any smuggled goods in any house, shop, cellar, warehouse, room, hulk, or other place, he shall, upon application to any judge or justice, setting forth under oath, facts sufficient in the opinion of such judge or justice, to justify such suspicion, be entitled to a warrant to enter such house, shop, cellar, warehouse, room, hulk, or other place, and there to search for and secure any such goods; and in case of resistance, to break open doors, chests, trunks, and other packages, and there to seize, and from

thence to bring away any smuggled goods, and to place and secure the same in the costody of the collector nearest the place of seizure.

SECTION 664. When any collector, or other officer of customs, shall deem it necessary, he may call upon any sheriff, constable, or other police officer, to render him assistance in making or enforcing any search or seizure; and any such officer refusing such assistance, shall be liable to a fine not exceeding five hundred dollars, in the discretion of the court.

SECTION 665. If any collector, officer of the customs, or other officer, or any person acting in their aid, shall be hindered, opposed, molested or obstructed, in the due execution of his office or duty, in making any search or seizure, or otherwise, by any person whatsoever, every person so hindering, opposing, molesting or obstructing any such officer, or other person, and also any person aiding or abetting in the commission of such offense, shall be liable to a fine of not less than fifty, nor more than one thousand dollars, in the discretion of the court.

SECTION 666. The Collector-General, or any other collector of customs, is authorized to cause a suit or prosecution to be instituted in his own name, on behalf of the Hawaiian Government, for any violation of the provisions of any law relating to the revenue of customs.

SECTION 667. All vessels, goods, or other property seized, shall remain in the custody of some collector or other officer of the customs, until it shall have been ascertained whether the same are liable to forfeiture or not: provided, however, that if the claimant of any such vessel, goods, or other property, shall pray to have the property delivered to him, the court may appoint three appraisers, to appraise under oath the value of the same, at the expense of the claimant; and if at the return of the appraisement, the claimant shall give a bond with two good and sufficient sureties, to be approved by the court for payment to the collector, of a sum equal to the value appraised, and produce a certificate of the duties having been paid or secured, such property shall be delivered to the claimant.

SECTION 668. If, upon the trial, judgment shall be given for the

claimant, the bond shall be cancelled; but if against him, he must, within twenty days thereafter, pay into court the amount of the appraised value with the costs, or judgment shall be forthwith rendered upon the bond, on motion in open court, or before some judge at chambers.

SECTION 669. All property in the custody of any collector, or other officer of the customs, shall, after condemnation, be sold at public auction, upon giving such notice of the time and place of sale, as the court may direct.

SECTION 670. When any property shall be seized under any law relating to the revenue of customs, notice of such seizure shall be published in the Government Gazette, and unless the person from whom it is taken, or the owner, or some person authorized by him, shall, within twenty days from the day of such notice of seizure, give notice to the person seizing the same, or to the collector, that he claims such property, it shall be held to be condemned, and shall be sold as such at public auction.

SECTION 671. The proceeds of all property condemned and sold for violation of any revenue law, after deducting legal commissions for selling the same, and all other necessary expenses; and also all fines and penalties imposed for the violation of any revenue law, after deducting the costs of court, shall be paid to the Collector-General of Customs.

SECTION 672. The proceeds of all forfeitures, fines and penalties, under the revenue laws, after deducting the legal costs and charges, as provided in the last preceding section, shall be divided as follows:

One half shall be paid and accounted for by the Collector-General to the Minister of Finance, for the benefit of the public treasury; one fourth to the person who gave the definite information which led directly to the seizure, or induced the prosecution; and one fourth to the person who made the seizure or entered the prosecution; if no other person has a claim as informer than the one making the seizure, or entering the prosecution, he shall be entitled to the one half.

SECTION 673. Any person entitled to a share of any such forfeiture, fine or penalty, may be used as a witness on the trial, but in such case,

his share of such forfeiture, fine or penalty, shall belong to the government.

SECTION 674. Every person having a claim for a share of any such forfeiture, fine or penalty, shall state the same in writing under oath, to the Collector-General, within twenty days from the date of the seizure, or from the time the penalty is imposed, otherwise he shall forfeit his claim.

SECTION 675. The Collector-General shall pay over their shares to the several claimants, according to their legal rights, of which he shall be the judge, subject to an appeal to the Minister of Finance, within ten days after the rendition of the collector's decision.

SECTION 676. No officer shall be entitled to a share of any forfeiture, fine or penalty, for any violation of the revenue laws, by virtue of his office, nor be debarred from receiving a share, on account of his office or salary: provided, however, that if the Collector-General shall be a claimant in any case, his claim shall be filed with, and be heard and determined by, the Minister of Finance, subject to no appeal.

SECTION 677. All spirituous liquors seized and condemned for any violation of the revenue laws, shall be sold in bond, and be subject to exportation, or to withdrawal for consumption, upon payment of the legal duties, the same as if they had been legally imported; and the person or persons entitled to a share of the proceeds of the liquors condemned and sold, shall receive a share of the duties actually paid on such liquors, in the proportion of their shares in the proceeds. All other property, so seized and condemned, shall be sold without any reference to duties.

SECTION 678. When in any suit for the forfeiture of any vessel, goods or other property, judgment shall be given for the claimant, if it shall appear to the court, or judge trying the case, that there was probable cause of seizure, such court or judge shall cause a certificate to be made thereof, and in such case, the claimant shall not be entitled to costs, nor shall the person who made the seizure, or the prosecutor, be liable to a suit on account of such seizure or prosecution; but the vessel or other

property must be, after judgment, forthwith returned to such claimant or his agent.

SECTION 679. All suits to procure a decree of forfeiture, condemnation and sale, against any vessel, boat, goods, or other property, may be brought in the Supreme Court, in any Circuit Court, or before any Judge of the Supreme or Circuit Court at chambers, and they shall have exclusive jurisdiction to try and determine such cases: provided, always, that the several police justices shall have concurrent jurisdiction to try and determine any such suit, where the value of the property does not exceed five hundred dollars.

SECTION 680. Forfeitures for the violation of any provision of the revenue laws, shall attach and divest the property the moment the offense has been committed, and no sale or other change of property shall purge the forfeiture.

SECTION 681. All suits brought against any person, vessel, goods, or other property, for the violation of any provision of the revenue laws, and all suits brought against any officer of the customs, or other person, for anything done in pursuance of the revenue laws, shall be commenced within six months after such violation is discovered, or such thing done.

SECTION 682. Upon sworn complaint to any justice, charging any person with the violation of any provision of the revenue laws, and setting forth sufficient facts to warrant said justice in the belief that such violation has been made, he shall issue a warrant for the arrest of such person, commanding that he be brought before him for examination. If, after the examination of the accused, the justice shall be of the opinion that there is probable cause to believe, upon the evidence produced to him, that a conviction would take place before a jury, he shall commit the accused to prison, to await his trial at the next term of the Supreme or Circuit Court: provided, however, that the accused may be released from prison, upon giving a bond with two good and sufficient sureties, to be approved by said justice, conditioned for the payment of any fine that may be imposed upon him, if found guilty, or that he will appear at the time of trial, and answer to the charge; and further provided, that nothing in this section contained shall be construed as interfering

with the jurisdiction of the police justices in cases of smuggling and other offenses, as provided in the next succeeding section.

SECTION 683. The respective police and district justices throughout the kingdom, shall have jurisdiction to try and determine all cases, in which any person shall be charged with smuggling, or attempting to smuggle, and all other offenses against any provision of the revenue laws, when the amount of the fine does not exceed five hundred dollars.

SECTION 684. In case any person charged with, and convicted of, an offense against the revenue laws, shall desire an appeal, it shall be incumbent upon him to first pay the amount of the accrued costs and fine, or to give a bond for the payment of the same, signed by at least two good and sufficient sureties, to be approved by the court by whom he was tried.

SECTION 685. Every person who shall be fined for a violation of any provision of the revenue laws shall, in case he fail to pay such fine, be imprisoned at hard labor until such fine be paid or remitted, or until he shall have earned a sum equivalent to such fine.

SECTION 686. If any officer shall make any collusive seizure, or shall deliver up, or shall make any agreement to deliver up, or not seize, any vessel, boat, or other property liable to seizure, or shall directly or indirectly take or receive any bribe, gratuity, recompense, or reward, for the neglect or non-performance of his duty, he shall, for each such offense, be liable to a fine of not exceeding two thousand dollars, and be rendered incapable of serving the King in any office or employment; and if any person shall give any bribe, recompense or reward to, or make any such collusive agreement with, any such officer, whether the offer, proposal, promise or agreement, be accepted or performed, or not, he shall be liable to a fine of not exceeding two thousand dollars.

SECTION 687. Whenever the words "goods," "wares," and "merchandise," or either of them, are used in this article, the same shall be construed to include all property of whatever kind or description.

SECTION 688. The Minister of Finance shall have power, from

time to time, to make, alter and amend, such rules and regulations for the collection of duties and the transaction of the business of the Custom-Houses, not in conflict with any law, as he may deem proper, giving due notice of the same in the Government Gazette.

SECTION 689. Any person who has incurred any fine, penalty or forfeiture, for a breach of any provision of the revenue laws, or is interested in any vessel, or merchandise subject to seizure, forfeiture, or disability, may petition the Minister of Finance, setting forth the circumstances of his case, and praying that the same may be mitigated or remitted, and the said Minister may mitigate or remit such fine, forfeiture, or penalty, or remove such disability, or any part thereof, and he may direct any prosecution for such fine, penalty or feiture, to be discontinued upon such terms as he may deem reasonable.

ARTICLE XXVII.—TARIFF OF CHARGES FOR THE DEPARTMENT OF FINANCE.

SECTION 690. For the receipt, care and disbursement of all residuary moneys belonging to the estate of any intestate, a commission of ten per cent.

For the receipt, care, and storage of any residuary property, other than money, five per cent. *ad valorem* per annum, besides all actual expenses.

For administering any oath, one dollar.

For every copy of any document, fifty cents per hundred words.

For all other acts and duties, the fees of which are not otherwise provided for, such charges as the Minister of Finance may, from time to time prescribe.

CUSTOM HOUSE CHARGES.

SECTION 691. For visit of health officer, when required, five dollars; and when necessarily detained on board, ten dollars per day.

For bill of health on departure, when required, five dollars.

For entrance pilotage at the ports of Honolulu, Hilo, and Hanalei, one dollar per foot upon the vessel's draught.

For departure pilotage from any of said ports, one dollar per foot upon the vessel's draught.

For anchoring any vessel off the port of Honolulu, ten dollars; and if the pilot be detained longer than twenty-four hours, five dollars per day for such detention.

For every stamped blank furnished by the collector, one dollar.

For receiving and filing every manifest, inward or outward, one dollar.

For receiving and filing every entry, fifty cents.

For receiving and filing every bond, given to secure the payment of duties, one dollar.

For every clearance, one dollar.

For the benefit of buoys, two dollars.

For lights at Lahaina, two dollars.

For boarding officers, at those ports where no pilotage is charged, five dollars.

For every hulk, moored in the harbor of Honolulu, one hundred dollars per annum.

For every passport, the price of the stamp only, one dollar.

For measurement of vessels for registry, five cents per ton.

For registering any vessel, twenty-five cents per ton.

For every copy of the certificate of registry, fifty cents per hundred words.

For recording every bill of sale, mortgage, or hypothecation of a vessel, or part thereof, fifty cents per hundred words.

For every copy of the same, fifty cents per hundred words.

The Custom-House charges for all other acts and duties not herein prescribed, and also the rates of storage, shall be such as may, from time to time, be prescribed by the Minister of Finance.

HARBOR MASTER'S CHARGES.

SECTION 692. For every permit to discharge a foreign seaman, fifty cents.

For stamped bond upon discharge of foreign seaman, one dollar.

For stamped application to the Governor for shipment of natives, one dollar.

For stamped bond on shipment of natives, one dollar.

For boarding and mooring vessels, the fees prescribed in section 587.

CHAPTER X.

DEPARTMENT OF PUBLIC INSTRUCTION.

OF THE BOARD OF EDUCATION.

SECTION 693. There shall be an executive department, to be styled the Department of Public Instruction, which shall be superintended and directed by a Board of Education, consisting of a president and two directors, who shall be appointed by the King, shall reside at the seat of government, and shall hold office during the King's pleasure.

SECTION 694. Said Board shall have entire charge and control of the Department of Public Instruction; shall superintend the execution of all laws relating thereto; shall have the power to make its own by-laws, not in contravention of the laws of this kingdom; shall keep regular records of its proceedings, and make a full report, through its president, of the business and transactions of the department to the Legislature, at each regular session thereof.

Two members present at any regular meeting, shall constitute a quorum for business.

SECTION 695. For the purposes of this chapter, the said Board shall possess the powers and privileges of a corporation.

SECTION 696. Said Board may, from time to time, adopt rules for the internal regulation and government of the public schools, and schools supported by government, not inconsistant with any law of this kingdom, and such rules, when duly made known, shall be obligatory, in all respects, upon both teachers and scholars.

OF THE PRESIDENT.

SECTION 697. The President of said Board shall keep an office at the seat of government, and sign all official documents of the Board, in order to their validity. He shall use his best exertions to promote the interests of education and morality throughout the kingdom, and the general objects of the department; and shall receive such salary as the Legislature shall determine. The other members of the Board shall receive no compensation for their services.

SECTION 698. The President of said Board shall be authorized to employ a clerk to assist him in the discharge of his duties, whose salary shall be such as the Legislature may, from time to time, determine.

SECTION 699. The seal of the Department of Public Instruction shall be such as may be approved by the Board of Education, and copies of all documents belonging to said Board, certified by the President, and impressed with such seal, shall be as valid evidence in any court, as the originals.

SECTION 700. The President of said Board shall, from time to time, make a tour of the respective islands, to inquire into the condition of the schools supported or aided by government; to instruct the school-officers and teachers in regard to their duties under the law, and urge them to the faithful performance of the same; to awaken an interest among parents for the education of their children, in knowledge and virtue; to hold public examinations of schools; and when in his estimation the merits of any pupil or teacher warrant it, he may, by way of special encouragement, give such pupil or teacher a certificate of honor, or such premium as shall be authorized by the Board of Education.

SECTION 701. The President of said Board shall, from time to time, address circular directions approved by the Board, to the respective school superintendents of the several districts, defining their duties; in-

structing them how to act in concert with the school-teachers and trustees; upon what points of education to examine candidates for teachers' license, and how such examination shall be conducted; when to consider any such teacher fit for his office; what studies are to be pursued in the government schools, and to what extent; how to make the returns required of them, prescribing the form, and transmitting the blanks for such returns; how to draw upon the school-treasurer for the support of teachers and other school purposes, and how to account to him for the amounts drawn; how, and at what prices, to account to him for the sale of books and stationery, supplied from his department; how, and for what causes to suspend teachers; when, and for how long vacations from study may be granted; and generally to instruct them on any subject connected with his department, and which the Board of Education may direct.

SECTION 702. The President of the Board of Education is hereby authorized to bind out, under proper indentures, vicious children convicted of any crime or misdemeanor, to persons of good character, who shall teach them the rudiments of knowledge, some useful trade or employment, protect their morals, and become responsible for the payment of their fines.

OF THE COMMON SCHOOLS.

SECTION 703. The object of the common schools supported by government, is to instruct the children of the nation in good morals, and in the rudiments of reading, writing, geography, arithmetic, and of other kindred elementary branches; and it shall be the duty of all school officers, parents, magistrates, police officers, and ministers of the Gospel, throughout the kingdom, to aid in effecting this object.

SECTION 704. For the purposes of education, the kingdom is divided into school districts, the boundaries of which are the same as those of the taxation districts; that is to say, the Island of Hawaii shall be

divided into eight uniform school districts, as follows:—1, Hilo; 2, Puna; 3, Kau; 4, South Kona; 5, North Kona; 6, South Kohala; 7, North Kohala; 8, Hamakua.

The Island of Maui shall be divided as follows:—1st, from Kohakuloa to Ukumehame, including Kahoolawe; 2d, from Waihee to Honuaula inclusive; 3d, Kahikinui, Kaupo, Kipahulu, Hana, Koolau; 4th Hamakualoa, Hamakuapoko, Haliimaile, Makawao, and Kula; 5th, Molokai; 6th, Lanai.

The Island of Oahu shall be divided as follows:—1st, from Maunalua to Moanalua inclusive; 2d, Ewa and Waianae; 3d, Waialua; 4th, Koolauloa; 5th, Koolaupoko.

The Island of Kauai shall be divided as follows:—1st, from Nualolo to Hanapepe inclusive; 2d, from Wahiawa to Mahaulepu inclusive; 3d, from Kipu to Kamalomalo inclusive; 4th, from Anahola to Kilauea inclusive; 5th, from Kalihiwai to Honopu inclusive; 6th, Niihau.

The above districts may be subdivided by their several superintendents, under general instructions from the Board of Education, into minor divisions, by the observance of geographical lines, or otherwise, for greater convenience and efficiency in conducting the public schools.

SECTION 705. It shall be the duty of the Board to discontinue any government school, wherein the average daily attendance of scholars throughout the year may be less than eighteen: provided, however, that in remote districts, it may, in its discretion, continue schools, where the average daily attendance throughout the year may be less than eighteen, and where the wants of the people of the district may require it.

OF SUPERINTENDENTS.

SECTION 706. The President of the Board of Education shall recommend to said Board for appointment, one or more general superintendents of schools for each of the said districts, to hold office during the pleasure of said Board.

SECTION 707. The respective superintendents shall, in consultation with the trustees of the respective schools, within their several districts, have power to license teachers, according to the rules which may from time to time be established by the Board of Education; but the President of said Board shall, nevertheless, have power to revoke the licenses so given, for good cause.

SECTION 708. The superintendents, in consultation with the trustees of the several schools, shall have the power to employ school teachers in their respective districts; to erect and repair school houses, and to draw on the treasurers of their respective districts for the necessary funds to carry out these objects, under general instructions from the President of the Board of Education, reporting quarterly to said President the amount thus drawn and expended.

SECTION 709. The several superintendents shall, under the President of the Board of Education, be the trustees of all the school property, for their respective districts; and shall severally have the power to sue and be sued on account of the same, in any court of this kingdom. The school houses in their respective districts shall be under their immediate care, and they shall, so far as possible, preserve the same from injury and decay, either directly or through the local trustees.

SECTION 710. It shall be the duty of the several superintendents to report quarterly, to the President of the Board of Education, the number of teachers, schools and school houses, and also their character and condition, in their respective districts; the number of scholars attending such schools, and their progress in learning and good morals. For this purpose, it shall be their duty to examine the schools, and inspect the school houses under their care, either in person or by deputy, at least once in each quarter year.

SECTION 711. The pay of the several school superintendents shall be such as the Board of Education may, from time to time, determine.

OF SCHOOL TRUSTEES.

SECTION 712. The fathers or guardians of the children connected with any common school, may meet on the last Monday of December in each year, and elect, *viva voce*, a majority deciding, from their own number, a local committee of one or two trustees, (the number to be determined by the superintendent of the district,) being subjects of the King, whose duty it shall be to co-operate with the superintendent of the district, in carrying into effect the laws relating to common schools; and whose sanction shall be necessary to the election of the teacher of the school, to his dismissal from office, and to the agreement for his wages.

SECTION 713. It shall be the duty of the district justice, or some one appointed by him, to preside at the election of trustees, and report the result immediately to the school superintendent of the district.

SECTION 714. It shall be lawful for the district justice nearest to any common school, on the written complaint of any ten persons having the right to vote for the trustees of such school, against any trustee, on account of immorality, neglect of duty, or general unfitness for the office, to institute an investigation of the complaint, without charge, and on sufficient evidence, to depose the accused trustee from office.

SECTION 715. Should the office of any school trustee become vacant by resignation, death, removal, or any other cause, such vacancy may be filled until a new election, by some proper person to be appointed by the school superintendent of the district.

SECTION 716. In case of disagreement between any school superintendent and the trustees of his district, in the discharge of their respective duties, each party shall have the right of appeal to the Board of Education, whose decision in each case shall be final.

SECTION 717. Every school trustee, declared by the superintendent

of his district to have been faithful in the discharge of his duty, shall be entitled to such compensation out of any appropriation for public schools, as may be allowed by the Board of Education. But unfaithful trustees shall be entitled to no pay.

OF SCHOOL TREASURERS.

SECTION 718. The Board of Education shall appoint, for each district, a responsible treasurer, for the school funds of such district, whose duty it shall be to safely keep, and properly apply, said funds, to the support of education in his district, as he may be, from time to time, instructed by the President of the Board of Education; and he shall give to the President of said Board, a bond, in such form and for such an amount, and with such security, as shall be approved by said President, for the faithful performance of his duty.

SECTION 719. The school treasurers shall pay out the school funds received by them, to the order of the school superintendents of their respective districts, and shall report quarterly, to the President of the Board of Education, an account of all school funds received and disbursed by them.

SECTION 720. Said treasurers shall hold office during the pleasure of the Board of Education, and shall receive as a compensation for their services, a commission of not more than five per cent. on the gross amount of the school funds received and disbursed by them.

OF THE SCHOOL REVENUE.

SECTION 721. The revenue for the support of government schools, shall be derived from direct appropriations by the Legislature, from the

interest accruing on the school fund, the rents of school lands, and from the school-tax as provided in section 486, and it shall be the duty of the President of the Board of Education to present to the Legislature at each biennial session, an account of the receipts and disbursements of the school revenue, since its last regular session.

OF ATTENDANCE.

SECTION 722. It shall be incumbent on all parents, guardians, and adopters of children between the ages of six and sixteen years, to send such children to some lawful school, where they may be regularly instructed in good morals, and elementary learning; and such parents and guardians shall have the right to send their children to the public schools, until they are twenty years of age.

SECTION 723. All police magistrates and district justices, when applied to by parents, teachers, school trustees, or other persons, shall have truant children, and all such as are required by law to attend school, but who are found about the wharves, streets, or public places, during school hours, or reported as absent from school without cause, arrested and taken to their respective schools, there to be punished according to the law relating to schools.

SECTION 724. If any such child shall persist in forsaking school, any police or district justice shall, upon proper complaint being made, cause the father, or mother, or guardian, or child, to be arrested; and, upon conviction, he shall sentence the party or parties offending, to a fine not exceeding five dollars for the father, mother, or guardian; and in default thereof, to imprisonment at hard labor for a term not exceeding ten days. And in case the offending party is the child, the said justice shall sentence the said child to a fine not exceeding two dollars, or to imprisonment at hard labor for a term not exceeding five days: provided, however, that no child under the age of ten years shall be subject to imprisonment; and further provided, that the school-superintendent shall have authority

to grant, without charge, to any parent or guardian, a certificate, exempting his child from obligation to attend school, for a certain specified time, for a suitable cause.

SECTION 725. Should any parent or guardian prefer to send his child, or ward, to a select or private school, not supported by government, and feel, in consequence of his poverty, that the school-tax herein imposed is too burdensome, the Minister of Finance shall have power to release him from said tax, so long as he shall continue to educate his children, on a certificate from the school-superintendent of his district that he is unable to pay the tax.

OF TEACHERS OF COMMON SCHOOLS.

SECTION 726. The teachers of common schools are licensed by the superintendents. No person shall be so licensed without having exhibited satisfactory evidence of good moral character, and qualifications to teach, particularly in the rudiments of reading, writing, arithmetic and geography; and every license to teach may, at any time, be cancelled by the President of the Board of Education, or by the superintendent of the district, in consultation with the trustee, or trustees, where the licensee has become of immoral character, or has shown a want of that skill, industry and fitness necessary to the successful discharge of his duties.

SECTION 727. It shall be the duty of the several superintendents of schools, at the commencement of each year, after giving public notice in the respective districts at least one month beforehand, to examine or cause to be examined, such persons, of good moral character, as shall apply to them for employment as teachers during the ensuing year, in such branches as are usually taught in the common schools, in order to ascertain their fitness, so far as knowledge is concerned, for such employment; and for this purpose the said superintendents shall be authorized to call to their aid one or more persons of intelligence, in conducting said examination.

SECTION 728. No license granted in one district shall authorize the holder to teach in another, without a new examination, although such license may be considered by the superintendent as *prima facie* evidence of the holder's qualifications.

SECTION 729. Every school-teacher shall have power to administer necessary and reasonable punishment upon the pupils of his school; and the teacher so acting shall not be in any way amenable therefor.

SECTION 730. The pay of the several school-teachers shall be such as may be determined by the superintendents of their respective districts, in consultation with the school trustees, under instructions from the Board of Education, which shall determine the compensation to be paid to all teachers employed in schools supported by government.

OF BOOKS AND STATIONERY.

SECTION 731. The President of the Board of Education shall, from time to time, furnish to the respective superintendents of common schools, such books and stationery as in the opinion of said Board may be needed, to be paid for out of the funds appropriated to the support of common schools.

SECTION 732. The scholars in the common schools shall be supplied, by their parents or guardians, with the books and stationery requisite for their use.

SECTION 733. In case any scholar shall not be furnished by his parents or guardians with such books and stationery, he shall be supplied therewith by the school superintendent of the district, who shall be authorized to draw upon the treasurer of the district for the amount expended for the same.

SECTION 734. The school-superintendent shall inform the tax-collector of the district of the names of the scholars supplied with books

and stationery, as provided in the last preceding section, and the amount expended for each, together with the name of the parent or guardian who should have supplied the same; and the collector shall add such amount to the school-tax of such parent or guardian for the next year, and collect the same, unless such superintendent shall be of opinion that said parent or guardian is unable to pay the amount thus expended for books and stationery so supplied; in which case, he may remit the whole or a part thereof, as may be just.

ARTICLE XXVIII.—OF INSTITUTIONS ENDOWED BY GOVERNMENT, AND SELECT SCHOOLS.

SECTION 735. Every literary institution, seminary of learning, or select school, supported by government, shall be under the superintendence, control, and direction of the Board of Education: provided, always, that where such institution, seminary, or select school, is endowed or supported in part only by the Government, the Board of Education shall not, unless expressly authorized by law, have the absolute control and direction of the same, but only a general oversight, with the right to visit and to inquire into its general condition and operations, and to see that the objects of the public endowment or support are faithfully executed.

SECTION 736. Whenever the Board of Education shall be satisfied that the charter of any literary institution has been violated, it shall be the duty of the President of said Board to report such violation to the District Attorney of the island where such institution is located, and said District Attorney shall take immediate steps to have such charter annulled.

SECTION 737. Nothing in this chapter contained shall be construed to forbid the free establishment of select and independent schools, to be supported without assistance from the government, provided they be not

of an immoral tendency. The teachers of such schools shall, annually, report to the Board of Education the number of their scholars, by what means supported, and the general character and condition of their respective schools.

OF THE LAHAINALUNA SEMINARY.

SECTION 738. Whereas, an arrangement has been made between the Hawaiian Government and the American Board of Commissioners for Foreign Missions, whereby the seminary of Lahainaluna has been ceded to the King's Government, on condition that the Government undertakes its support; and whereas, it is desirable to have some institution, where Hawaiian youth can be properly educated for various occupations, therefore, the arrangement, whereby the seminary of Lahinaluna has been surrendered to the King's Government, is hereby ratified and confirmed, and a reasonable sum shall be appropriated annually out of the public funds, for the support of said seminary, in pursuance of said arrangement.

SECTION 739. Said seminary shall be under the care and direction of the Board of Education, who shall appoint its teachers, and make rules and regulations, from time to time, for its government, and course of instruction; provided, that such rules and regulations do not conflict with the conditions on which that institution was ceded to the Government, nor with any law of this kingdom. Said Board shall have the care and management of the buildings, premises, apparatus, and all other property belonging to said institution.

SECTION 740. It shall be the duty of the President of the Board of Education, to include in his report to the Legislature, at each regular session thereof, a statement of the operations and condition of said seminary.

OF ENGLISH SCHOOLS FOR HAWAIIAN YOUTH

SECTION 741. It shall be the duty of the President of the Board of Education to use his best endeavors, to impress upon the minds of native parents and guardians, the importance of a knowledge of the English language to their children, and to induce them to provide for them, as soon as possible, the means of acquiring it, by contributing according to their ability, the means of supporting English schools, of good character, among them.

SECTION 742. It shall be lawful for the Board of Education to contribute, out of such appropriation as the Legislature shall make for this object, one-half of the support of at least one English school of good character, for Hawaiian youth, on the island of Kauai; two on the island of Oahu, not including the Royal School; one on the island of Maui; and one on the island of Hawaii; to be located at such places as they shall deem most advantageous for promoting the object; said schools to be kept in session not less than forty weeks in the year, for five days each week, and not less than five hours each day. Provided, that the whole annual expenditure on the part of the Government, for the support of such schools, shall not exceed an average of six hundred dollars for each; and provided also, that before making any grant to such school, the other half of its support shall be subscribed by responsible persons, who will come under written obligations to the Board of Education, or to such local directors as it shall appoint, to send their children regularly to one of said schools, for at least five consecutive years, or until they shall be released from such obligation, for cause, by said Board or its agent; also to provide for their children in said schools, boarding, clothing, and the necessary books and stationery; and to place them while enjoying the advantages of such schools, under the guardianship of said Board of Education, or such local directors as it shall appoint.

SECTION 743. It shall be lawful for said Board of Education, to appoint such local directors for the aforesaid schools in their several local-

ities, as they shall deem proper; and grant to them power to employ teachers, make rules and regulations, not contravening any law of this kingdom, for the schools under their care, and also for the transaction of their own business.

SECTION 744. The Board of Education shall require the local directors of each of said schools, to report quarterly to the President of said Board of Education, the amount actually paid to them for the support of such school, by private subscription; and said President shall be authorized to draw on the Minister of Finance for the same amount, in favor of said school.

SECTION 745. In order to facilitate the design of imparting a knowledge of the English language to Hawaiian youth, the Royal School shall be under the immediate care and control of the Board of Education, and shall be supported by it, as a *normal* school, for the purpose of affording greater advantages to youth acquiring the English language, than they can have in the ordinary English schools, that they may become qualified to teach the English language, or be fitted for college; and such scholars, when received into the Royal School, shall, for the time being, be under the special guardianship and control of the Board of Education, by written agreement with their parents or guardians; and shall be required to continue in the school for a certain specified time; provided, that other scholars may be received on paying full tuition, without such obligation.

SECTION 746. The Board of Education shall be authorized to make such reasonable charge for tuition, for the advantages of the Royal School, as it shall deem proper.

SECTION 747. The said Board shall be authorized to expend annually, for the support of the Royal School, a sum not exceeding two thousand dollars, out of any school funds legally at its disposal.

SECTION 748. The Board of Education shall have the power to set apart a portion of the general school tax imposed in section 486, for the support of English schools for Hawaiian youth, whenever in its discretion it shall seem desirable.

AN ACT

TO AMEND SECTIONS 742, 743 AND 744 OF THE CIVIL CODE.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

That sections 742, 743 and 744 be and are hereby amended to read as follows:

SECTION 742. It shall be lawful for the Board of Education to establish English schools for Hawaiian youth on the several islands of the Kingdom, at such places as it shall deem most advantageous for extending a knowledge of the English language among the natives.

Such schools shall be kept in session not less than forty weeks in the year, for five days in each week, and not less than five hours each day.

Before assuming the support of any such school, the Board of Education shall require the parents or guardians of the children who may desire to participate in its advantages, to come under a written obligation to said Board or its local directors:

1st. To pay towards the support of such school such an amount and at such times as said Board shall deem reasonable and proper in the circumstances of each school.

2. To send their children or wards regularly to such schools for at least five consecutive years, or until released from such obligation for cause by said Board or its local directors.

3. To provide for their children or wards suitable boarding, lodging, clothing, and the necessary books and stationery, and place them, while enjoying the advantages of said English schools, under the guardianship of the said Board or its local directors.

It shall also be lawful for the Board of Education to establish family schools for the domestic training of Hawaiian girls, in which the English language shall be taught.

Such family schools shall be subject to such regulations as the Board of Education may from time to time prescribe.

Before assuming the support of any such family school, the Board of Education shall require the parents or guardians of such girls who may desire to participate in its advantages, to come under a written obligation to said Board or its local directors; 1st, To pay towards the support of such family school such an amount, and at such times as said Board shall deem reasonable and proper in the circumstances of each school. 2d: To send their daughters or wards to such family school for at least six consecutive years, or until released from such obligation for cause by said board or its local directors.

SECTION 743. It shall be lawful for said Board of Education to appoint such local directors for the aforesaid schools, in their several localities, as they shall deem proper; and grant to them power to employ teachers, make rules and regulations, not contravening any law of this Kingdom, for the schools under their care, and also for the transaction of their own business.

It shall be the duty of the several local Boards of Directors established under this law, or established previously and now coming under its operation, to report quarterly to the President of the Board of Education, the condition and progress of the schools under their care, and also to account quarterly for any and all amounts received for the support of such schools, and how said amounts have been disbursed.

SECTION 744. It shall also be lawful for the Board of Education to grant aid from time to time in such a manner as, in its judgment, shall best afford encouragement to any family school for Hawaiian girls in which the English language is taught, established by private individuals or associations, from such sources as are hereinafter provided.

Any such private individual or association receiving such aid from the Board of Education, shall report annually, or oftener if called for, to the President of said Board the condition and progress of such family school, and the manner in which the aid rendered has been expended.

It shall be lawful for the Board of Education to use for the purposes herein set forth, over and above any amount that may be appropriated by the Legislature, the following funds, viz.:

1st. The interest on the school fund.

2d. Fifteen per cent of the school tax of each judicial circuit, to be expended within said circuit.

This law shall take effect and be the law of the land from and after the day of its passage.

Approved this 15th day of August, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

ES.

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SECTION 753. In all cases where the sites and school lands, mentioned in the last preceding section, constitute a part of the lands held in common by the Government and individuals, such sites and school lands shall be regarded as making a part of the Government portion of the land held in common, and shall be so regarded in every sale or disposition of the lands in which they are located.

SECTION 754. Where a site for a school-house is needed, and the same cannot be as well located on government land, as upon that of a private individual, the school-superintendent of the district is authorized to take a suitable lot, not exceeding one acre, as a site for such school-house, first paying to the owner the value thereof; such value, in case of disagreement, shall be determined by a jury of three men, to be chosen one by the school-superintendent, one by the owner of the land, and the third by the two already chosen by the superintendent and owner. The said jury shall have the power to locate the lot desired for the school-house, in a place different from that chosen by the school-superintendent, should they deem it more reasonable and proper: provided, however, that it shall not be lawful to appropriate for such purpose, any private burying-ground or house-lot, against the will of the owner thereof.

SECTION 755. The President of the Board of Education shall have all the school-lands, and sites for schools and churches, mentioned in this article, so far as practicable, properly surveyed, and registered in a book, to be deposited in his office, for the use of the King's Government, and open to the inspection of private individuals desiring to examine the same. The expense of such surveys shall be defrayed out of the interest arising from the avails of the school-lands.

SECTION 756. In case the funds arising from the present school-tax are not sufficient to sustain the public schools in operation, at least two hundred days in the year, and also to keep the school-houses in repair, it shall be the duty of the parents and guardians of the scholars attached to any such school, to aid in making up the deficiency, by assisting in the repair, or building of the school-houses, as shall be directed by the school-superintendent of the district; and in case any such parent or guardian shall refuse, when called upon, to render such assistance, he shall be liable, on conviction before any police or district justice, to a fine not exceeding five dollars.

GENERAL PROVISIONS.

OF THE PARENTAL AND FILIAL DUTIES.

SECTION 757. It shall be the duty of all children within the years of legal majority, to obey all the lawful and moral commands of their parents, respecting first as most obligatory, those of the father, and next those of the mother, and if adopted as by law allowed, the lawful and moral commands of the parents by adoption, and in default of natural or adopted parents, the lawful and moral commands of the guardians appointed according to law. And in case of continued, willful and obstinate disobedience, on the part of a child, it shall be lawful for any police or district justice, upon complaint being made by any parent or guardian, to cause the said child to be arrested and brought before him. And should it appear to the said justice that such child is guilty of continued, willful and obstinate disobedience, he shall sentence the said child to imprisonment at hard labor, for a term not exceeding ten days: provided, however, that no child under ten years of age shall be amenable to the provisions of this section.

SECTION 758. Parents, that is say, first the father, and then the mother, or in case they be both dead, guardians legally appointed, shall have control over the actions, the conduct and the education of their children within the years of legal majority. They shall have the right, at all times, to recover possession of their children by *habeas corpus*, and of moderate chastisement for their good; and it shall be the duty of all parents and guardians to set a good example before their children; to provide, to the best of their ability, for their support and education; to see that they are instructed in a knowledge of the Christian religion; to use their best endeavors to keep them from idleness and vice of all kinds; and to inculcate upon them habits of industry, economy and

loyalty; and it shall be lawful for any Judge of the Supreme Court, or of any Circuit Court of this kingdom, on a complaint being laid before him against any parent, that he or she is encouraging their children in ignorance and vice, to summon such parent before him, and upon its being proved to his satisfaction, to bind out such child within the years of legal majority, to some person of good moral character, to be well supported, trained to good habits, and taught at least the rudiments of knowledge.

ARTICLE XXIX.—OF THE CENSUS.

SECTION 759. It shall be the duty of the President of the Board of Education, under its direction, in the year 1860, and every sixth year thereafter, to make a complete census of the inhabitants of the kingdom, to be laid before the King and Legislature for their consideration. Every census shall comprise, in distinct columns, the number of inhabitants in each district, the number of each sex, and such other particulars as the Board of Education may direct; and shall show the increase or decrease of the population.

SECTION 760. To enable the President of the Board of Education to carry into execution the design of the last preceding section, he is hereby authorized to make all necessary inquiries; and all persons are required under pain of a fine, not to exceed five dollars, to be imposed by any judge, to answer, to the best of their knowledge, all questions propounded by said President, or by any of his agents, relating to, and necessary for, the making of a complete census.

SECTION 761. The necessary expenses of making any census shall be paid by the Minister of Finance, upon the order of the Board of Education, out of any moneys appropriated by the Legislature for that object.

OF THE REGISTRY OF BIRTHS, DEATHS AND MARRIAGES.

SECTION 762. The school-superintendent of each district shall, under instructions from the Board of Education, appoint from among school-teachers, or other suitable persons, a registrar of births, deaths and marriages, for his district, whose duty it shall be to record all births, deaths and marriages, within said district, and to fill suitable blanks for that purpose, to be furnished by the Board of Education. Such registrars shall report, quarterly, to the school-superintendent of the district, whose duty it shall be, quarterly, to embody in one, all such reports, and forward a copy thereof to the President of the Board of Education.

SECTION 763. If the report of the registrar shall be correct, in the opinion of the school-superintendent, he shall be authorized to give an order on the school-treasurer of the district, for an amount equal to three cents each, for every birth, death and marriage recorded; and this sum shall be paid out of the school funds of the district.

SECTION 764. It shall be the duty of the Board of Education to furnish the several school-superintendents, for distribution among the registrars, the necessary blanks, for the purpose contemplated in this article.

SECTION 765. It shall be the duty of the superintendent of schools, in each district, to publish the names of the persons appointed by him, to register the births and deaths in his district; and it shall be incumbent upon the father, if living, of any child born in this kingdom, and if not living, or if the child be illegitimate, upon the mother, within three months after the birth of such child, to notify some registrar of births and deaths, in the district, of the name and sex, and date of the birth of said child. It shall also be incumbent on the nearest relative of legal age, of any deceased person, to notify some registrar of births and deaths in his district, of the name and sex of the deceased, within one week after such decease. Any neglect to make such notification, shall subject the delinquent, on conviction before any police or district justice, to a fine of one dollar.

OF THE APPOINTMENT OF AGENTS TO GRANT MARRIAGE LICENSES.

SECTION 766. It shall be the duty of the Board of Education to appoint a suitable number of agents in the several districts of the kingdom, whose duty it shall be to grant marriage licenses, agreeably with the laws; which agents shall be entitled to a fee of twenty-five cents for each license, to be paid by the party applying therefor. Any such agent who shall charge more than that amount for any such license, or who shall receive a bribe for the same, shall be liable to a fine not exceeding fifty dollars, upon conviction before any police or district justice.

SECTION 767. It shall be the duty of the President of the Board of Education, to furnish the agents aforesaid with the necessary blanks for marriage licenses; and it shall be the duty of said agents, at the close of each year, to transmit a copy of all the licenses granted by them during the year, to the said Board, who shall preserve a record of the same; and the agents shall retain a copy of each license in their own possession.

TITLE 3.—Of the Legislative Department.

CHAPTER XI.

Section 768. The Legislative Department of this kingdom is composed of the King, the House of Nobles, and the House of Representatives, each of whom has a negative on the other, and in whom is vested full power to make all manner of wholesome laws, as they shall judge for the welfare of the nation, and for the necessary support and defense of good government, provided the same be not repugnant or contrary to the Constitution.

Section 769. The legislative body shall assemble biennially, for the purpose of seeking the welfare of the nation, at such time, and in the place that the King may judge necessary.

Section 770. The members of either branch of the legislature shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and they shall not be held to answer for any speech, or debate made in the House, in any other court or place whatsoever.

ARTICLE XXX.—OF THE HOUSE OF NOBLES.

Section 771. The King appoints the members of the House of Nobles, who hold their seats during life, unless in case of resignation,

subject, however, to punishment for disorderly behavior. The number of members of the House of Nobles shall not exceed thirty.

SECTION 772. No person shall be eligible to a seat in the House of Nobles, who shall not have attained the age of twenty-one years, and resided in the kingdom five years.

SECTION 773. The sessions of the House of Nobles shall be open to the public: provided, always, that any person creating a noise or disturbance shall be considered guilty of a high contempt, and shall be immediately committed to prison, there to remain during the pleasure of the House; and further provided, that the presiding officer may, at any time, order all persons not members, to withdraw from the House, when he or the House shall deem it proper or necessary.

ARTICLE XXXI.—OF THE HOUSE OF REPRESENTATIVES.

SECTION 774. The House of Representatives shall be composed of not less than twenty-four, nor more than forty members, who shall be elected biennially.

SECTION 775. The members of the House of Representatives are chosen by the people; and shall receive for their services, a compensation of three dollars for every day's attendance in the Legislature, and five cents per mile, calculating by the most direct route, in going to and returning from the Legislature: provided, that no representative shall be entitled to receive pay for any day on which he is absent from the Legislature, unless such absence be occasioned by his illness.

SECTION 776. All bills, or resolves, for raising the revenue, or calling for any expenditure of the public money, shall originate in the House of Representatives.

SECTION 777. The sessions of the House of Representatives shall be

open to the public: provided, always, that any person creating a noise or disturbance, shall be considered guilty of a high contempt, and shal be immediately committed to prison, there to remain during the pleasure of the House; and further provided, that the presiding officer may, at any time, order all persons not members, to withdraw from the House, when he or the House shall deem it proper or necessary.

SECTION 778. The following persons shall be eligible for representatives of the people, namely: Every male subject, or denizen of the kingdom, who shall have arrived at the full age of twenty-five years, who shall know how to read and write; who shall understand accounts, and who shall have resided in the kingdom for at least one year immediately preceding his election: provided, always, that no person who is insane, or an idiot, or who shall at any time have been convicted of theft, bribery, perjury, forgery, embezzlement, polygamy, or other high crime or misdemeanor, shall ever hold a seat as a representative of the people.

SECTION 779. Every member of the House of Representatives, before being admitted to take his seat, shall take and subscribe the following oath:

I most solemnly swear, in the presence of Almighty God, that I will faithfully support the Constitution and laws of the Hawaiian Islands, and conscientiously and impartially discharge my duties as a representative of the people.

Which oath, after being subscribed, shall be filed by the clerk of the House.

ARTICLE XXXII.—OF THE ELECTION OF REPRESENTATIVES.

ELECTION DISTRICTS.

SECTION 780. The number of the representatives of the people in the Legislature, shall be as follows, viz.:

For the Island of Hawaii, eight, that is to say:

One for the district of North Kona; beginning at, and including, Keahualono, and extending to and including Puuohao.

One for the district of South Kona; beginning at Puuohao, and extending to and including Kaheawai.

One for the district of Kau.

One for the district of Puna.

Two for the district of Hilo.

One for the district of Hamakua.

One for the district of Kohala.

For the Island of Maui, six, that is to say:

Two for the district composed of Lahaina, Olowalu, Ukumehame and Kahoolawe.

One for the district composed of Kahakuloa and Kaanapali.

One for the district beginning with and including Waihee, and extending to and including Honuaula.

One for the district beginning with and including Kahikinui, and extending to and including Koolau.

One for the district beginning with and including Hamakualoa, and extending to and including Kula.

Two for the district composed of the Islands of Molokai and Lanai.

For the Island of Oahu, eight, that is to say:

Four for the district of Honolulu, beginning with and including Maunalua, and extending to and including Moanalua.

One for the district composed of Ewa and Waianae.

One for the district of Waialua.

One for the district of Koolauloa.

One for the district of Koolaupoko.

For the Island of Kauai, three, that is to say:

One for the district of Waimea, beginning with and including Nualolo, and extending to and including Hanapepe, and also including the Island of Niihau.

One for the district of Puna, beginning with and including Wahiawa, and extending to and including Wailua.

One for the district of Hanalei, beginning with and including Kepaa, and extending to and including Awa-awa-puhi.

OF THE TIME AND PLACE OF HOLDING ELECTIONS.

SECTION 781. The elections for representatives of the people to sit in the Legislature, shall be held in all the districts throughout the kingdom, on the first Monday of January, every second year, at such places as shall, from time to time, be designated by the Minister of the Interior, who shall give public notice of the same at least thirty days previous to the time of election.

SECTION 782. Whenever the Minister of the Interior shall deem it necessary, for the public convenience, that more than one place should be established for receiving votes in any one district, he shall have the power to appoint two places, and he shall designate from among the justices, tax-collectors, and school-superintendents, within the district, inspectors to preside over and conduct the election at such places.

OF THE QUALIFICATIONS OF ELECTORS.

SECTION 783. Every male subject of His Majesty, whether native or naturalized, and every denizen of the kingdom, who shall have paid his taxes, attained the full age of twenty years, and resided in the kingdom for one year immediately preceding the time of election, shall be entitled to one vote for the representative, or representatives, of the district in which he may have resided three months next preceding the day of election: provided, that no insane person, nor any person who shall, at any time, have been convicted of any infamous crime, within this kingdom, unless he shall have been pardoned by the King, and by the terms of such pardon restored to all the rights of a subject, shall be allowed to vote.

SECTION 784. No alien shall be allowed to vote for representatives of the people.

OF THE MANNER OF CONDUCTING ELECTIONS.

SECTION 785. The elections shall take place in the presence of the District Justices, the Tax-Collector, and the School-Superintendent of the district; or, in their absence, of agents appointed by them for that purpose, any three of whom shall constitute a Board of Inspectors to conduct the election, and decide on the qualifications of voters. The District Justice, or in case there is more than one, the Justice who has been longest in office, or his agent, shall be chairman of the said Board. Nothing in this section contained shall be construed as applicable to those cases where more than one place is appointed for receiving votes in any district, as provided in section 782.

SECTION 786. The Minister of the Interior shall provide, at the expense of the government, a suitable ballot-box, or boxes, for each election district, with suitable locks and keys for fastening the same.

SECTION 787. Every Board of Inspectors in any district shall appoint a clerk, whose duty it shall be, under oath to be administered to him by the chairman, to record truly the names of all persons who vote at the election. Such clerk shall receive a compensation of five dollars, to be paid out of any government moneys in the hands of the chairman.

SECTION 788. The polls shall be opened, and proclamation made thereof, at eight o'clock in the morning on the day of election, and shall be kept open till five o'clock in the afternoon, and no longer. The electors shall vote by ballot, and each person offering to vote shall deliver his ballot to one of the inspectors, who, on receiving such ballot, shall direct the clerk to record the name of the person delivering the same, and shall, without inspecting the name of the person voted for, examine said ballot so far only as to determine whether the same contains more than one ticket; if it do not, he shall place it in the ballot-box; but if it do, he shall make it manifest, and reject the same. The ballots, after having been placed in the box, shall not be removed

from such box until the same are taken out to be counted, by the inspectors.

SECTION 789. The ballot shall be a paper ticket, which shall contain written or printed, or partly written and partly printed, the name or names of the person or persons for whom the elector votes. After the close of the polls, the inspectors shall proceed without delay, first to ascertain from the clerk's record the whole number of persons voting, and then to sort and count the whole number of votes given for the different candidates; and all persons who choose to attend at the counting of such votes shall be at liberty to do so.

SECTION 790. When the inspectors have ascertained the number of votes given for each candidate respectively, they shall make public declaration of the whole number of votes given in, the names of the persons voted for, and the number of votes for each person, and the clerk shall make a fair record of the same, which shall be signed by the inspectors, and forwarded to the Minister of the Interior.

SECTION 791. In those districts where there is only one place appointed for receiving votes, the Board of Inspectors shall deliver a certificate to the candidates for representatives in their respective districts, who have received the greatest number of votes for that office, in the following form, viz.:

We, the undersigned, inspectors of election for the district of ———, Island of ———, do hereby certify that ———, was duly elected a representative for said district, on the ——— day of ———, A. D. 18—.

Given under our hands this ——— day of ———.

——— ———

——— ———

——— ———

SECTION 792. In those districts where two places are appointed for receiving votes, the certificate of election shall be given by the two persons presiding at such places of election.

SECTION 793. It shall be the duty of the inspectors of election, upon

granting certificates of election, to immediately transmit a copy of the same to the Minister of the Interior, to be filed in his office.

SECTION 794. Whenever two or more ballots are found folded or rolled together, in such manner as to satisfy the inspectors that they are fraudulent, they shall be rejected.

SECTION 795. If a ballot shall be found to contain a greater number of names for the office of representative, than the number of representatives to which that district is entitled, it shall be considered fraudulent, and shall be rejected; but no ballot shall be considered fraudulent, or be rejected, for containing a less number of names than are authorized to be inserted.

MODE OF ANNULLING AN ELECTION AND OF FILLING VACANCIES.

SECTION 796. Whenever fifty or more of the voters of any district shall petition the House of Representatives, setting forth that any person chosen as representative for said district, has been elected through bribery, or any other unfair means, or that he is not qualified according to law, the House of Representatives shall institute an inquiry into the truth of the charges in said petition; and if they find the charges to be true, they shall immediately declare his election null and void.

SECTION 797. Whenever the House of Representatives shall declare the election of any person null and void, as provided in the last preceding section, the clerk of said House shall immediately notify the inspectors of election, for the district in which such person was chosen, of the fact of the annulment of his election. Said inspectors, upon receiving such notification, shall give ten days previous public notice for holding a new election, and the electors of such district shall accordingly proceed again to choose a representative, in the same manner as at the regular election.

SECTION 798. Whenever any vacancy shall occur in any of the election districts of the kingdom, either by resignation, death, or any other cause, it shall be the duty of the inspectors of election in such district, immediately on ascertaining the fact, to give ten days previous public notice for holding a new election, at the usual place or places within such district; and any such election so ordered and held, shall be valid and binding to all intents and purposes.

SECTION 799. In the event of any such vacancy occuring during the period in which the Legislature is in session, it shall be the duty of the clerk of the House of Representatives, immediately to notify the inspectors of election of the district in which such vacancy has occurred, of that fact; and said inspectors shall proceed to order, notify, and hold a new election, as provided in the last preceding section.

PROVISIONS TO PRESERVE THE PURITY OF ELECTIONS.

SECTION 800. It shall be the duty of each inspector of any election to challenge any person offering to vote, whom he shall know or suspect not to be duly qualified as an elector.

SECTION 801. If any person offering to vote shall be challenged as unqualified by an inspector, or by any other person, the Board of Inspectors shall read to the person so challenged, the qualifications of an elector as contained in section 783, and shall tender to him the following oath:

You do swear that you will fully and truly answer all such questions as shall be put to you, touching your place of residence, and qualifications as an elector at this election.

The inspectors of election, or one of them, shall then put such questions to the person challenged, as may be necessary to test his qualifications as an elector at that election.

SECTION 802. If the person challenged shall refuse to answer fully any questions which may be put to him as aforesaid, the inspectors shall reject his vote.

SECTION 803. If the challenge be not withdrawn, after the person offering to vote shall have answered the questions put to him as aforesaid, one of the inspectors shall tender to him the following oath:

You do solemnly swear that you are a subject or denizen of this kingdom, (as the case may be) of the age of twenty years; that you have resided in this kingdom for the last year immediately preceding this election; and in this district for the last three months immediately preceding this election; and that you have not voted at this election; and that you have never been convicted of any infamous crime within this kingdom which has not been fully pardoned.

SECTION 804. If any person shall refuse to take the oath tendered, as prescribed in the last preceding section, his vote shall be rejected.

SECTION 805. Any person who shall vote more than once at the same election, shall, on conviction thereof, be fined not exceeding fifty dollars, or imprisoned at hard labor not more than six months, in the discretion of the court.

SECTION 806. Any person who shall vote, being disqualified by law, by reason of his conviction of some infamous crime, which shall not have been pardoned, with the restoration to all the rights of a subject, or by reason of non-age, non-residence, or other cause, knowing of his disqualification, shall, on conviction thereof, be fined not exceeding fifty dollars, or imprisoned at hard labor not exceeding six months, in the discretion of the court.

SECTION 807. If any elector shall, knowingly, give in more than one ballot at any election, he shall be fined not exceeding fifty dollars, or be imprisoned at hard labor not exceeding six months, in the discretion of the court.

SECTION 808. If any person shall willfully aid or abet any one, in the commission of either of the offenses specified in the last three preceding sections, he shall be fined not exceeding fifty dollars, or impris-

oned at hard labor not exceeding six months, in the discretion of the court.

SECTION 809. Any person who shall, by bribing another with money, promise of reward, or otherwise, attempt to influence any elector in giving his ballot; or who shall use any threat to procure any elector to vote contrary to the inclination of such elector, or to deter him from giving his ballot, shall, on conviction thereof, be fined not exceeding fifty dollars, or imprisoned at hard labor not exceeding six months, in the discretion of the court.

SECTION 810. It shall be the duty of the inspectors of election, or one of them, immediately before proclamation is made of the opening of the polls, to open the ballot-box, in the presence of the people there assembled, and turn it upside down, so as to empty it of everything that may be in it, and then lock it; and it shall not be re-opened, until the close of the polls, for the purpose of counting the ballots therein.

SECTION 811. Any inspector of an election who shall, after the opening of the polls, put a ballot into the ballot-box, except his own ballot, or such as he may have received in the regular discharge of his duty; or who shall be guilty of any other fraud or unfair dealing at such election, shall be fined not exceeding one hundred dollars, and disqualified from holding any office under the government.

SECTION 812. Any inspector of election, who shall willfully neglect, or refuse, to perform any of the duties required of him, respecting elections, shall be fined not exceeding one hundred dollars, and be disqualified from holding any office under the government.

SECTION 813. Any person who shall be disorderly or create any disturbance at any election, or who shall break up, or prevent, the lawful holding of any election, or obstruct, or attempt to obstruct the same, may be arrested without warrant, and shall be fined not exceeding one hundred dollars, or imprisoned at hard labor, not exceeding six months, in the discretion of the court.

SECTION 814. No civil process shall be served in any district, on any person entitled to vote therein, on the day of election for representatives.

TITLE 4.—Of the Judiciary Department.

CHAPTER XII.

Section 815. In order to conduct, with certainty and system, the judicial power, and that the government may be administered in accordance with law and justice, there shall be a department, to be styled the Judiciary Department, which shall be presided over by the Chief Justice and Chancellor of the Kingdom, whose duty it shall be to make a report to the Legislature, at each regular session thereof, of the business of said department, and the administration of justice throughout the kingdom.

Section 816. Said department, and the several judges and other judicial officers thereof, shall, in all respects, be independent of both the executive and legislative departments. The King shall have no power to interfere with, alter, or overrule any judgment or decision of any judge, or other judicial officer: provided, however, that nothing herein contained shall be construed to prevent His Majesty from granting reprieves and pardons, after conviction, for all offenses, except in cases of impeachment.

Section 817. The judicial power of the kingdom is vested in one Supreme Court, and in such inferior courts as the Legislature may, from time to time, establish.

Section 818. No person holding a seat on the Bench of the Supreme Court, the Circuit Court, or any Police or District Court, shall be eligible to a seat in the House of Representatives of this Kingdom.

Section 819. The judicial power shall extend to all cases in law and equity arising under the Constitution, any law of this kingdom, and treaties made, or which shall be made under their authority; to all cases affecting ambassadors, other public ministers and consuls, and to all cases of admiralty and maritime jurisdiction; and to all cases arising under the laws of nations.

Section 820. No person shall sit as judge in any case in which his relative is interested, either as plaintiff or defendant, or in the issue of which the said judge, either directly or through a relative, may have any pecuniary interest. Neither shall any judge sit alone on an appeal, or new trial, in any case in which he may have given a previous judgment.

Section 821. No Judge of the Supreme or any Circuit Court, shall exercise the profession or employment of counsel or attorney, or be engaged in the practice of law, and no judge of any other court shall be employed, nor allowed to appear as counsel or attorney before any court, in any suit, which shall have been previously tried before him.

Section 822. All questions of law arising in any civil cause, shall be decided by the court or judge, before whom the matter is pending; and the instructions of such court or judge in relation to the law, shall be binding upon the jury, if any be impanelled in the cause.

Section 823. The several courts may cite and adopt the reasonings and principles of the admiralty, maritime, and common law of other countries, and also of the Roman or civil law, so far as the same may be founded in justice, and not in conflict with the laws and customs of this kingdom.

Section 824. The several courts of record shall have power to decide for themselves, the constitutionality and binding effect of any law, ordinance, order, or decree, enacted or put forth by the King, the Legislature, the Cabinet, or Privy Council. The Supreme Court shall have the power to declare null and void any such law, ordinance, order, or decree, as may upon mature deliberation appear to it contrary to the Constitution, or opposed to the laws of nations, or any subsisting treaty with a foreign power.

SECTION 825. The several courts, in their decisions, shall have due regard to vested rights.

SECTION 826. The several courts of record, in term time, and the respective justices thereof, at chambers, shall have power summarily to commit for trial, any party appearing to the satisfaction of such court or justice, to have committed perjury in any trial or proceeding had before the same.

CHAPTER XIII.

OF THE SUPREME COURT.

SECTION 827. The Supreme Court shall consist of a Chief Justice and two Associate Justices, any of whom may hold the court.

SECTION 828. The Justices of the Supreme Court shall hold their offices during good behavior, subject to removal as provided in the Constitution, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION 829. The Supreme Court shall have jurisdiction of all cases in law or equity, civil or criminal, and of all admiralty or maritime cases, whether the same be brought before it, by original writ, by appeal, or otherwise. It shall have conclusive jurisdiction of all suits or proceedings against ambassadors, or other public ministers, their attachés or servants, as far as any court can have consistently with the laws of nations; and of all actions against the Hawaiian Government, which can be instituted only by permission of the King in Privy Council. In all suits brought by ambassadors, or other public ministers, and in all suits in which a consul or vice-consul shall be a party, either plaintiff or defendant, it shall have jurisdiction, but such jurisdiction shall not be exclusive.

SECTION 830. The Supreme Court shall have the general superintendence of all courts of inferior jurisdiction, to prevent and correct errors and abuses therein, where no other remedy is expressly provided by law.

SECTION 831. The Supreme Court, or the Chief Justice, or first

Associate Justice thereof at chambers, shall have the power to issue writs of error, *certiorari*, *mandamus*, *ne exeat regno*, prohibition and *quo warranto*, and all other writs and processes, to courts of inferior jurisdiction, to corporations and individuals, that shall be necessary to the furtherance of justice, and the regular execution of the laws.

SECTION 832. The Supreme Court shall have power to make and award all such judgments, decrees, orders and injunctions, to issue all such executions and other writs and processes, and to do all such other acts, as may be necessary to carry into full effect all the powers which are or may be given to it by the Constitution and laws of the kingdom.

SECTION 833. The Supreme Court shall have power, from time to time, to make rules for regulating the practice and conducting the business of said court, in all cases not expressly provided for by law; and thereafter to revise said rules, so often as it may be found wise and necessary to simplify said practice, and remedy any abuses or imperfections that may be found to exist therein.

SECTION 834. Whenever any question of law shall arise in any trial or other proceeding, before the Supreme Court, when held by one justice, he may reserve the same for the consideration of the full court; and in such case shall report the case, or so much thereof as may be necessary for a full understanding of the question, to his associates.

SECTION 835. Any question may be reserved in like manner, upon the motion of either party, on account of any opinion, direction, or order of the justice, in any matter of law.

SECTION 836. If any party shall think himself aggrieved by any such opinion, direction, or order, and the justice shall not think fit to reserve the case upon his motion, the party may allege exceptions to such opinion, direction, or order, and the same being reduced to writing in a summary mode, and presented to the justice before the final adjournment of the court for the term, and being found conformable to truth, shall be allowed and signed by the justice; and if said justice shall refuse to allow and sign said exceptions, the truth of the allegations therein contained, may, nevertheless, be established before the full court, and the exceptions allowed by them.

SECTION 837. Upon the allowance of such exceptions, the questions arising thereon shall be considered by the full court. If, however, the exceptions shall appear to the justice, before whom the trial is had, to be frivolous, immaterial, or intended for delay, the judgment may be entered, and execution may be awarded or stayed, on such terms as the justice shall deem reasonable, notwithstanding the allowance of the exceptions.

SECTION 838. When upon the hearing of a case, brought before the court upon exceptions alleged as before provided, it shall appear that the exceptions are frivolous, or immaterial, or were intended for delay, the the court may award against the party taking the exceptions, double costs from the time when the same were alleged, and also interest from the same time, at the rate of twenty per cent. per annum, on the sum, if any, found due for debt or damages, or may award any part of such additional costs and interest as it may deem proper.

SECTION 839. When judgment shall have been rendered in any case, in which exceptions have been allowed, the judgment may be vacated by the full court, without any writ of error, in like manner as if it had been entered by mistake, and thereupon such further proceedings shall be had in the case, as to law and justice shall appertain.

SECTION 840. No trial by jury shall be prevented or delayed, by the filing or allowance of such exceptions, but the verdict shall be received and such further proceedings shall be had in the case, as the court may order in pursuance of the foregoing provisions.

SECTION 841. Whenever a cause shall be at issue in the Supreme Court, and it shall appear that the trial of the same will require the examination of a long or complicated account, on either side, such court may, on the application of either party, or without such application, order such cause to be referred to three impartial and competent persons. Each party shall be entitled to name one of the referees, and the court shall appoint the third, and in case either party shall fail to nominate, the court shall do so for him.

SECTION 842. There shall be four several terms of the Supreme Court held in each year, commencing as follows:

On the first Mondays of January, April, July, and October; which said terms shall respectively be called the January, April, July, and October terms of the Supreme Court. The court may however hold special terms at other times, whenever it shall deem it essential to the promotion of justice.

SECTION 843. The four regular terms shall be held at the Court House in the city of Honolulu: provided always, that the Chief Justice may, in case he shall deem it requisite by reason of war, pestilence, or other public calamity, or the danger thereof, order the same to be held at a different place, and it shall be so held until the order is revoked or a new place appointed. The several terms may be continued and held from the commencement thereof, until and including the fourth Saturday after the commencement of each term.

SECTION 844. When neither of the justices is present at the time and place appointed for holding the court, whether at the beginning of a term or at any adjournment thereof, it shall be the duty of the clerk of said Court, to adjourn the same from day to day, until one of the justices shall attend, or until an order in writing shall be received from one of them respecting such adjournment.

SECTION 845. In case of the absence, or sickness, of the Chief Justice, or of a vacancy in that office, all the duties thereof, both at chambers and in banco, shall be performed during such absence, sickness, or vacancy, by the first Associate Justice, or such other justice as the King may appoint for the time.

SECTION 846. The Chief Justice of the Supreme Court shall receive an annual salary of five thousand dollars, the first Associate Justice an annual salary of four thousand dollars, and the second Associate Justice an annual salary of two thousand dollars, which said salaries shall be paid in monthly payments, out of the treasury of the kingdom.

ARTICLE XXXIII.—OF THE POWERS AND DUTIES OF THE JUSTICES OF THE SUPREME COURT AT CHAMBERS.

SECTION 847. The Chief Justice of the Supreme Court is the Chancellor of the kingdom, and as such shall possess all the powers incident to that office at common law. He shall have power at chambers to decree the foreclosure of mortgages, and generally, to hear and determine all matters in equity, bankruptcy, or admiralty: And the first Associate Justice shall act as vice-chancellor, and have full and concurrent jurisdiction in all matters at chambers with said chancellor.

SECTION 848. The several justices of the Supreme Court shall have power at chambers, to compel the attendance of parties and witnesses, and to compel the production of books, papers, and accounts, and take all other steps necessary for the promotion of justice, in the matters pending before them at chambers, in like manner as the Supreme Court may do in term time.

SECTION 849. The said justices shall severally have power to issue warrants for the apprehension, in any part of the kingdom, of any person accused under oath, of a crime or misdemeanor, and to examine and commit such person to prison for trial.

SECTION 850. The justices of the Supreme Court shall have power to prescribe the rules of practice to be observed at chambers.

SECTION 851. The several justices of the Supreme Court shall have the power at chambers, to grant probate of wills, to appoint guardians, and administrators, and again to compel all guardians, administrators, and executors, to perform their respective trusts, and to account in all respects for the discharge of their official duties. They may in case of moral unfitness, or other good and sufficient cause, remove any administrator, guardian, or executor, appointed by will or otherwise.

SECTION 852. Said justices shall severally have power at chambers, to admeasure dower and partition real estate. When the dower in real estate cannot be set apart without great injury to the owners, the judge may ascertain the value of such dower in money, and order the same to be paid on such terms as shall be just and reasonable. When the partition of real estate cannot be made without great prejudice to the parties, the judge may order a sale of the premises and divide the proceeds.

SECTION 853. Said justices shall severally have power at chambers, to grant divorces and separations, and decree alimony; to legalize the adoption of children; and to decree the affiliation of bastards.

SECTION 854. The several justices of the Supreme Court shall have power, subject to challenge for cause by either party, to select and impannel a special jury of inquiry of idiocy, lunacy, or *de ventre inspiciendo*, or in any other matter to be tried before any of said justices at chambers, and they shall receive and act upon the verdict of such jury as equity and good conscience may require.

SECTION 855. The several justices of the Supreme Court shall have power at chambers, upon any sworn application made in writing, to issue writs of *habeas corpus* for inquiring into the cause of any alleged unlawful imprisonment or restraint, or of *ad testificandum*, and they may enlarge on bail persons rightfully confined, in all bailable cases.

SECTION 856. Any justice of the Supreme Court, at chambers or in banco, upon the application of either party, may require either the plaintiff or defendant to give security for costs in any case, upon such terms and conditions as he may deem just.

SECTION 857. The Supreme Court in term time, or the Chief Justice or first Associate Justice thereof at chambers, upon satisfactory proof that a fair and impartial trial cannot be had in any case pending in said court, or in any circuit court, may, after hearing the opposite party, or without such hearing should he fail to appear after due notice, change the *venue* to some other circuit, and order the record to be transferred thereto.

SECTION 858. If at the time fixed for the hearing of any matter

before a justice of the Supreme Court at chambers, he is absent, or unable to hear it, the same may be transferred by his order to some other justice of said court, who may be willing to hear the same.

SECTION 859. An appeal may be taken to the full court, in banco, from any decision, judgment, order, or decree, made by any justice of the Supreme Court at chambers, and said Supreme Court in banco shall have power to review, reverse, affirm, amend, modify, or remand for new hearing at chambers, such decision, judgment, order, or decree, in whole or in part, and as to any or all of the parties. Every such appeal shall be taken upon the record, and no new evidence shall be introduced in the court above: provided always, that the court above may in case evidence is offered, which is clearly newly discovered evidence, and material to the just decision of the appeal, admit the same. Nothing in this section contained shall be construed to permit an appeal to be taken from any order by any justice allowing any warrant, attachment, writ, or other process; or for the taxation of costs; or any other order of a like nature.

ARTICLE XXXIV.—OF THE CLERK OF THE SUPREME COURT.

SECTION 860. The Clerk of the Supreme Court shall be appointed by the justices thereof, and hold his office subject to their pleasure. He shall have charge of the seal of the court, which shall be impressed upon all its process. He shall have power to issue process in all suits and matters brought before the Supreme Court, or before the Chief Justice or any Associate Justice thereof at chambers. He shall also have power to administer oaths, to take the depositions of witnesses, to assess damages upon notes, bonds, bills of exchange, orders, and other liquidated obligations, in all cases in which default shall have been made, or on reference by the court, and all other powers and duties in relation to the drawing of jurors, and in all other matters, which lawfully pertain to his office, or are necessary to the transaction of the business of the Supreme Court. He shall also be *ex officio* a master in chancery.

SECTION 861. He shall be sworn to the faithful discharge of all the duties of his office, by one of the justices of the Supreme Court; and before entering on the performance of such duties, he shall give a bond to the Minister of Finance, with one or more sufficient sureties, and in such sum as may be approved by the Supreme Court, conditioned for the faithful discharge of all his official duties.

SECTION 862. He shall attend and record the proceedings of the court, and have the care and custody of all the records, books, papers, and moneys appertaining to the court or to his office, subject however, to the orders of the court.

SECTION 863. In equity, admiralty, or maritime cases, and in all matters heard before any justice of the Supreme Court at chambers, the clerk shall attend and record such part of the proceedings as shall be directed by the court, either by general rules, or by special order of the justice hearing the case.

SECTION 864. He shall keep in every book of records, an alphabetical list of the names of all parties to any suit or judgment therein recorded, with a reference to the page where it is recorded; and where there are several persons, either plaintiffs or defendants, the name of every person, with a like reference, shall be inserted in its appropriate place in said list.

SECTION 865. The justices of the Supreme Court shall inspect the doings of the clerk, from time to time, and see that the records are made up seasonably and kept in good order; and if necessary, said justices may employ a deputy clerk, to assist said clerk in keeping up his records, and in the discharge of his other duties. If the records are left incomplete for more than three months at any one time, such neglect, unless caused by sickness or other good reason, shall be adjudged a forfeiture of the clerk's bond.

SECTION 866. The clerk shall exhibit the records, at every term, to the justices of the Supreme Court, and at such other times as may be required by any justice, so that the court may have notice of any errors or defects in the keeping of the records, and may cause the same to be corrected.

SECTION 867. In case of the absence or death of the clerk, his deputy shall act as clerk, until the clerk shall resume the discharge of his duties, or until another shall be appointed by the court. In case there be no deputy, the court shall appoint a clerk *pro tempore*, who shall receive for his services such compensation as the court shall think proper, to be paid from the appropriation for the standing clerk, or from the public treasury, as the court may direct, by order upon the Minister of Finance, out of any moneys not otherwise appropriated.

SECTION 868. The Clerk of the Supreme Court shall keep exact accounts of all fines, costs, and fees, received by him, and shall render quarterly accounts of the same, under oath, to the Minister of Finance.

SECTION 869. The Clerk of the Supreme Court shall receive an annual salary of two thousand dollars, which shall be paid in monthly payments out of the treasury of the kingdom.

CHAPTER XIV.

OF THE CIRCUIT COURTS.

SECTION 870. The kingdom shall be divided into four judicial circuits, as at present constituted, that is to say :

The first circuit shall consist of the Island of Oahu, whose seat of justice shall be at Honolulu ;

The second circuit shall consist of the Islands of Maui, Molokai, Lanai and Kahoolawe, whose seat of justice shall be at Lahaina, on the Island of Maui ;

The third circuit shall consist of the Island of Hawaii, whose seat of justice shall be at Hilo and Waimea ;

The fourth circuit shall consist of the Islands of Kauai and Niihau, whose seat of justice shall be at Nawiliwili, on the Island of Kauai.

SECTION 871. The terms of the respective circuit courts shall be held as follows, that is to say :

In the first circuit, on the first Tuesday of August in each year ;

In the second circuit, semi-annually, on the second Tuesday of June, and the second Tuesday of December ;

In the third circuit, on the first Tuesday of September in each year ;

In the fourth circuit, on the first Tuesday of May in each year.

SECTION 872. It shall be the duty of one of the justices of the Supreme Court to attend and preside over each term of the Circuit Courts ; and the expenses of any justice of the Supreme Court in attending, holding, and returning from any such court, shall be paid from the annual appropriation for the expenses of said courts.

SECTION 873. If one of the Justices of the Supreme Court shall fail to attend any circuit court at the time at which it is appointed to be

held, the sheriff or some circuit judge shall open the court and adjourn the same from day to day; and if the said justices shall not attend before ten o'clock of the third day, such circuit judge or sheriff shall adjourn the court without day.

SECTION 874. All persons bound to appear at any circuit court, which shall have failed, as mentioned in the last preceding section, shall be bound to appear at the next term of said court.

SECTION 875. The seals of the several circuit courts shall be those already devised, and now in use by said courts.

SECTION 876. His Majesty the King, by and with the advice of the Privy Council, shall appoint a sufficient number of circuit judges, not exceeding three for each judicial circuit. Said circuit judges shall hold office during good behavior, subject, however, to removal as provided in the Constitution.

SECTION 877. Each circuit judge, when there is only one in a circuit, shall receive an annual salary of fifteen hundred dollars, and shall make a regular tour of his circuit at least twice every year, for the trial of appeals at chambers; and each circuit judge, when there is more than one in the circuit for which he is appointed, shall receive an annual salary of eight hundred dollars; which salaries shall be paid by monthly payments, out of the treasury of the kingdom.

SECTION 878. The circuit judges shall have power in their respective circuits, to hear and determine, at chambers, all appeals made to them by any party from the decision of any district or police justice, within their jurisdiction.

SECTION 879. To constitute a circuit court, in either of the judicial circuits, at least one circuit judge of such circuit shall be associated on the bench with a justice of the Supreme Court: provided, however, that in case of the inability of all the circuit judges of the circuit to attend, the Justice of the Supreme Court in attendance may hold the court alone.

SECTION 880. The respective circuit courts shall have original juris-

diction to hear and determine all civil suits between individuals, or in which the Government is plaintiff, involving a greater amount of indebtedness or claim than one hundred dollars, and appellate jurisdiction in all such suits when the amount claimed does not exceed one hundred dollars. They shall have power to hear and determine all private actions arising within their jurisdiction, sounding in consequential injury or damages, without limit as to amount of claim. They shall also have power to partition real estate; to grant writs of ejectment and of possession; to admeasure dower; to affiliate bastards; to grant warrants of summary arrest and imprisonment; to restrain by writs of *ne exeat*, injunction and attachment; to issue commissions for the examination of foreign or domestic witnesses; to depute the power of administering oaths; to change the venue of trial at the request of either party to any cause depending before them, to some other circuit; to grant continuances and postponements; to grant writs of *habeas corpus*; to enlarge prisoners on bail; to decree the annulment of the marriage contract, and grant divorces and separations, for legal causes, and decree alimony; and to decree the foreclosure of mortgages upon real estate or chattel property.

SECTION 881. The criminal jurisdiction of the circuit courts shall be co-extensive with the circuits for which they are created. It shall be appellate from the district and police courts thereof in all cases cognizable before those courts, and original in all other cases, except of crimes punishable by death, which shall be solely cognizable before the Supreme Court.

AN ACT

TO AMEND SECTION 881 OF THE CIVIL CODE, TO ENLARGE THE JURISDICTION OF THE CIRCUIT COURTS.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That section 881 of the Civil Code be amended by striking out the last clause of that section, viz: "except of crimes punishable by death," &c.

SECTION 2. All laws, or parts of laws, in conflict with this section as thus amended, shall be and hereby are repealed.

Approved this 15th day of July, A. D. 1868.

KAMEHAMEHA.

KAAHUMANU.

SECTION 8[illegible] not extend to the enforc[illegible] in all such cases the sai[illegible] grant process of attach[illegible]ief Justice of the Supre[illegible]y summon the responde[illegible]ow cause. Neither shall the jurisdiction of said circuit courts extend to actions instituted against the Hawaiian Government.

SECTION 883. The respective circuit judges, in the second, third and fourth judicial circuits, shall have power at chambers, to grant writs of *habeas corpus*; to appoint guardians and administrators, and again to

compel all guardians, administrators and executors, to perform their respective trusts, and to account in all respects for the discharge of their official duties. They may, in case of moral unfitness, or other good and sufficient cause, remove any administrator, guardian or executor, appointed by will or otherwise. The said judges shall severally have power to admeasure dower, and partition real estate, having the like discretion therein as is given to the Justices of the Supreme Court, in section 852. They shall also have cognizance of the probate of wills, and of the affiliation of bastards.

SECTION 884. The respective circuit courts shall have power, from time to time, to make rules for regulating the practice and conducting the business of said courts, and for regulating the practice and conducting the business of the circuit judges of their several circuits, in all cases not expressly provided for by law; and thereafter to revise said rules at their discretion.

SECTION 885. The sessions of the several circuit courts shall not extend during any one term beyond the period of fourteen days, and all causes not reached upon the calendar, or not within that period disposed of, shall be continued to the next term of said court: provided, however, that the Chief Justice of the Supreme Court may order a special term of any circuit court to be held, whenever he may deem it essential to the promotion of justice.

ARTICLE XXXV.—OF THE CLERKS OF THE CIRCUIT COURTS.

SECTION 886. The Justices of the Supreme Court shall appoint the clerks of the several circuit courts, who shall hold office during the pleasure of said Justices. Said clerks shall severally have the charge of the seals of their respective courts, and shall have power to issue all writs and processes required by the practice of said courts.

SECTION 887. The said clerks shall attend all the said courts held in their respective circuits, and record their proceedings, and shall have the care and custody of all records, books and papers appertaining to their respective offices, and filed and deposited therein.

SECTION 888. The clerks of the several circuit courts shall each be sworn to the faithful discharge of his duties, and give a bond to the Minister of Finance, to be approved by one of the Justices of the Supreme Court, in the sum of five hundred dollars, with one or more sufficient sureties, conditioned for the faithful discharge of his official duties.

SECTION 889. Each circuit court clerk shall keep an exact account of all fees and costs received by him, and shall, quarterly, render a faithful account of the same, under oath, to the Minister of Finance.

SECTION 890. In keeping their records they shall be governed by the rules prescribed in that respect for the clerk of the Supreme Court.

SECTION 891. The clerks of the several circuit courts shall receive for their services an annual salary of two hundred and fifty dollars each.

CHAPTER XV.

OF THE ISLAND COURTS NOT OF RECORD.

ARTICLE XXXVI.—OF THE POLICE COURTS.

SECTION 892. One of the district justices appointed for the first district of Oahu shall, by appointment, be Police Justice for the port of Honolulu; and one of those appointed for the first district of Maui, shall be Police Justice for the port of Lahaina; and one of those appointed for the first district of Hawaii, shall be Police Justice for the port of Hilo.

SECTION 893. The several police justices shall, in all cases, preserve in written detail, the minutes and proceedings of their trials, transactions and judgments. They shall have original jurisdiction of torts and of wrongs arising upon the high seas, and upon the waters within His Majesty's maritime jurisdiction, and of controversies arising between the masters and crews of vessels, domestic or foreign, not however to interfere with the jurisdiction of foreign consuls under treaty stipulations; and in cases of felony committed upon the high seas, they shall have jurisdiction to examine and perpetuate the evidence thereof, to commit the accused for probable cause, and to certify the facts and reasons of such commitment, to be used in evidence abroad, upon the remission of the offender to his domestic forum. They shall have exclusive original jurisdiction, within their respective districts, over all police cases proper, and over all cases where the amount of property in dispute shall not exceed one hundred dollars, wherein one or both of the parties are foreigners. Their criminal jurisdiction shall be co-extensive with their respective circuits, for the purpose of the arrest, examination, commitment, and enlargement of parties accused.

SECTION 894. The said police justices, when applied to and tendered the costs of process, shall issue summons to any party or parties defendant, within their respective jurisdictions, commanding such party or parties to appear and show cause why judgment should not be rendered upon the plaintiff's demand. If a defendant so summoned do not appear at the time and place cited in such summons, the oath of the officer that it was duly served upon the defendant personally, shall authorize the justice, if the claim be upon a note due, to render judgment therefor, and for the costs, as by default, without further proof; if upon an account or book debt, he shall take *ex parte* proof that the debt honestly accrued, and render judgment according to the evidence, *ex parte* upon default; if upon a contract, agreement or promise, written or verbal, other than a note or book debt, the justice, if the defendant has been personally served with summons, and do not appear at the time set, shall, upon hearing the plaintiff's evidence *ex parte*, award judgment for default of appearance, according to the right of the matter involved. If the defendant appear and deny the liability, the justice shall allow him full latitude to show cause, and for this purpose may grant sufficient time by adjournment, may subpœna witnesses and compel their attendance by attachment, and shall decide the matter at issue between the parties, allowing any offsets in deduction of a plaintiff's demand, that may have been proven by a defendant, and in case such offsets exceed the plaintiff's demand, he shall render judgment for such excess in favor of the defendant.

SECTION 895. The summons so to be issued by the police justices, shall contain a notification to the defendant, that if he fails to attend at the time and place of trial designated in the summons, judgment will be rendered against him *ex parte*, by default.

SECTION 896. Each of said justices shall keep a docket, in which he shall enter every cause by him determined, with the substance of the testimony and facts upon which his decision rests. He shall conclude each case with the particular nature of the judgment or decision rendered; and in civil cases the amount thereof, if in money, or the object thereof, if not sounding in money.

SECTION 897. Upon sworn complaint being made, in writing, to

either of said justices, by a party plaintiff, or some person on his behalf, setting forth that his demand was contracted in a fraudulent or deceitful manner, or upon false or unfounded pretences by the debtor, or that the debtor having honestly contracted the debt or obligation, seeks to avoid the payment thereof, by secreting his property, or by intention to transfer the same to some third person with that object, or is about to remove his property out of the district, or if not triable before the police justice, that he is about to remove it from the circuit, or is eluding the service of summons, or is about to quit the circuit, said justice may issue an attachment against the property of such debtor at the suit of the plaintiff, which may be in the following form:

To any constable of the district of ———, Island of ———, H. I.:

You are commanded to attach and safely keep the property of ———, if any can be found within this district, subject to the order of this court, (or other court as the case may be) at the sworn information and suit of ———, plaintiff, to answer to a debt (or obligation, as the case may be) alleged to be due him from said ———; and having so attached, you are further commanded to summon the said ———, if he can be found in this district, to appear and answer the complaint and demand of said plaintiff, before me at ———, on the ——— day of ———, (or before another court, as the case may be, stating the time) and then and there show cause, if any he has, why judgment should not be rendered against him, and the property attached subjected to execution, levy and sale, for the payment of said demand, interest and costs.

Notify the said ———, that upon default to attend at the time and place above mentioned, judgment will be rendered against him *ex parte* by default.

Given under my hand this ——— day of ———, 18—.

———— ————,

Police Justice.

Section 898. In case such sworn application be made to either of said justices, in any matter of indebtedness greater in alleged amount than one hundred dollars, the summons and attachment shall be made returnable to the Circuit or Supreme Court, and the constable shall return the same to the court. In any such case, it shall not be lawful for the justice to issue attachment, until the applicant shall have deposited with him a bond in a penal sum at the discretion of the justice, with one or more sureties to be approved by said justice, conditioned for the payment of all the costs of the proceeding, both on the part of the

plaintiff and the defendant, the costs of court, and the damages sustained by the defendant, by reason of the attachment, in case the plaintiff shall not duly appear and substantiate the truth of his complaint, at the return of the writ, or in case the attachment shall be dissolved before that time, by order of a justice of the Supreme Court at Chambers.

SECTION 899. In case such application be made for attachment to an amount not exceeding one hundred dollars, the summons and attachment shall be returnable within ten days after summons served, before the justice issuing the same, and shall be by him dissolved, in case the applicant fail to establish his claim, on appearance and contest of the merits by the defendant; but in case the defendant make default, or appearing, the plaintiff substantiate his demand, the property attached shall be liable to execution at his instance, and shall be levied on, advertised and sold, as in other cases, subject to the right of appeal, and subject to the rights of property in third persons.

SECTION 900. Every attachment issued as aforesaid, shall be imposed by placing the property in security without removing the same from defendant's premises, except for greater safety. The officer so attaching shall take an inventory thereof, and append a copy of the same to his return of the attachment. He shall also furnish a copy of the inventory to the defendant, and if the property attached be lands or tenements, post in a conspicuous place upon the premises, a public notice of the following import:

These premises are attached by virtue of a writ from ——— ———, Esquire, Police Justice of ———, returnable at ———, on the ——— day of ———, at the suit and complaint of ——— ———, for ——— dollars.
Dated ——— day of ———, 18—.

Which notice, if the attachment be dissolved by a Justice of the Supreme Court at Chambers, or by non-appearance of the plaintiff on the day indicated for return, or by failure to sustain his claim by satisfactory proof, or by the recovering of an offset balance by the defendant, shall be removed from the property. If the property attached be removable; the said constable shall post in three conspicuous places within the district, a notice as follows:

By virtue of a writ from ——— ———, Esquire, Police Justice of ———, returnable at ———, on the ——— day of ———, at the suit of ——— ———, for ——— dollars, I have attached, subject to a demand to be proved, the following articles of property, viz.:

All persons having rights in said property are notified to prove their claims on or before the return day above named.

Dated ——— day of ———, 18—.

——— ———.

In case the attachment and summons be returnable at the Circuit or Supreme Court, the sheriff of the island shall, in addition to the above local notice from the constable, post the like notice, signed by him or his deputy, in three public places at the seat of such court.

SECTION 901. Upon application made to either of said justices, under oath, showing good and satisfactory reasons for believing that any person within his district is wrongfully secreting property of another, or of his own, to the prejudice of another, and upon bond to the said suspected person, filed with said justice as in the next succeeding section prescribed, said justice shall have power to grant a warrant to search the person or premises of said suspected person, and to take the property secreted by him, for some judicial purpose to be stated in the application, and the legality of which shall be determined by said justice. Said warrant may be in the following form:

To any constable of the district of ———, Island of ———, H. I.:

Information having been given to my satisfaction, by the oath of ——— ———, that ——— ———, residing or being in said district, is wrongfully secreting (here specify the property if possible) belonging to said informant, (or any other person for whom he applies) with intent to defraud the said informant, (or other person in whose behalf he applies) and the said ——— ——— having deposited a bond, with approved security, conditioned to answer the said ———, for all damages, costs and charges to arise in consequence of his act in this respect, if adjudged to be a wrongful trespass:

You are commanded to search the person and premises of the said ——— ———, to discover, if possible, the property aforesaid, and for that purpose, if necessary, to break locks, doors and bolts; and if opposed, to secure the persons opposing, until you shall have completely searched his person and premises. And having found, to safely keep the same, to the end that justice may be done to the said ——— ———, in the premises.

You are also further commanded to apprehend the said ——— ———, and to bring him forthwith before me, to answer to an allegation of (wrongful, fraudulent or felonious, as the case may be) concealment, as alleged against him by the said ——— ———.

Make return of this writ, and of your proceedings thereon, with all convenient speed.

Given under my hand this ——— day of ——— 18—.

———— ————.

Police Justice.

SECTION 902. The bond so required to be given shall be in such penal sum, and with such surety or sureties, as the justice shall approve, and shall be conditioned for the payment to the party complained against, of all lawful damages costs and charges, wrongfully sustained by him in consequence of the warrant and search, or of the taking of the property, that shall be awarded to him.

SECTION 903. The said justices shall not have power to try actions for slander, libel, defamation of character, malicious prosecution, breach of promise of marriage, false imprisonment, or seduction. Neither shall they have jurisdiction to try and determine any crime or misdemeanor which the laws of this kingdom require to be tried by a jury; but they shall have power, subject to appeal, to try without a jury, and to render and enforce judgment, in all cases of crimes and misdemeanors coming within their jurisdiction.

SECTION 904. In all cases of crimes or misdemeanors, in which a warrant of arrest shall be issued by either of said justices on the information of some person cognizant thereof, such information shall be verified by the oath of the informant, that he has knowledge of, or reason to believe, the commission of such crime or misdemeanor, by some person whose name or description, if possible, shall be alleged in the information, as well as the place where the violation of the law took place, and the names of the witnesses, if any. Such warrant of arrest may be in the following form:

To any constable of the district of ———, Island of ———, H. I.:

You are commanded on the information of ——— ———, verified by oath, forthwith to arrest and take the body of ——— ———, accused of ———, if he

can be found; and forthwith have his body before me at my office in ———, at any time between the hours of —— A. M. and —— P. M., (to answer to the said accusation, or to show cause why he should not be committed for trial at the Circuit or Supreme Court, as the case may be). And you are also commanded, having arrested the said ——— ———, to summon as witnesses of accusation ———, if they can be found, and to make due return of your proceedings upon this writ.

Given under my hand this ——— day of ———, 18—.

———— ————,
Police Justice.

SECTION 905. In all cases of arrest for crimes or misdemeanors cognizable before a jury, the magistrate in whose jurisdiction or on whose warrant the accused was arrested, shall, upon the bringing up of the accused, proceed to consider whether there is probable cause to believe that a jury would, upon the evidence adduced, convict the accused of the offense with which he is charged. Said justice shall reduce to writing the substance of the evidence adduced, with the names of the witnesses, and if in his opinion the testimony do not warrant commitment for trial, he shall release the prisoner, noting that fact upon his docket; but if in his opinion there is probable cause to believe that conviction would take place before a jury, he shall make out, and deliver to a constable a mittimus, which may be in the following form:

To —— ——, or any other constable of the district of ——, Island of ——, H. I.:

It appearing to my satisfaction, that there is reason to believe that —— ——, who was arrested for ———, on the information of ——— ———, (or otherwise as the case may be) would be convicted upon the indictment for the said offense:

You are commanded to deliver him the said ———, to the Sheriff of the Island of ———, or his deputy, who is hereby authorized to commit him to the jail of said Island, for trial, (at the Supreme or Circuit Court, as the case may be) and have you then there this writ, with full return of your proceedings thereon.

Given under my hand this ——— day of ———, 18—.

———— ————,
Police Justice.

SECTION 906. Neither of the said justices shall have power to determine any civil matter required by law to be tried by jury, nor to appoint referees in any cause.

SECTION 907. Any person indebted to another, or liable to another

in law, for money to an amount not exceeding five hundred dollars may, with or without suit first instituted against him, appear in person, or by duly empowered attorney, before either of said justices, and there confess judgment against himself and his property, for such sum with costs. And the justice shall, in every such case, enter up judgment in the same manner as if he had rendered the same upon default, or upon evidence of indebtedness, and issue execution thereon in like manner, and with the like effect: provided, that no such judgment confessed without suit shall have the effect in law to cover or conceal the property of a debtor, nor take precedence of other judgments subsequently rendered, if it appear that the same was collusively or fraudulently confessed, or confessed without legal consideration, or with the view of giving fraudulent and undeserved precedence to one creditor over another.

SECTION 908. No judgment rendered in either of said justices' courts, shall be a lien upon real property, until a transcript thereof, certified by such justice, shall have been docketed in the office of the clerk of the Supreme Court. Such justice's judgment shall be a lien upon the moveable property of the defendant in execution, not exempted by law from levy, from the time, and according to the priority of levy.

SECTION 909. The said justices shall have power to administer oaths, to perpetuate testimony under commissions issued to them from other justices or judges of the same, or any other island, and to issue commissions for the perpetuation of testimony to be used in controversies depending before them.

SECTION 910. The said respective justices shall, on complaint of the government, or of any party conceiving himself aggrieved, be liable to *mandamus*, prohibition or injunction, from any of the courts of record. Such *mandamus*, prohibition or injunction, shall be on pain of removal from office, as provided in the Constitution.

SECTION 911. The Police Justice of Honolulu shall receive for his services, an annual salary of two thousand dollars; the Police Justice of Lahaina, an annual salary of twelve hundred dollars; and the Police Justice of Hilo, an annual salary of one thousand dollars; to be paid in monthly payments from His Majesty's treasury.

ARTICLE XXXVII.—OF THE DISTRICT COURTS.

SECTION 912. For judicial purposes the kingdom is divided into districts, the boundaries of which are the same as those of the taxation districts, more particularly described in section 498.

SECTION 913. The respective governors, by and with the advice of the justices of the Supreme Court, shall appoint one or more district justices, not exceeding two, for each of the districts in their respective jurisdictions.

SECTION 914. Said justices shall hold office for the term of two years from the date of their appointment, subject to removal as prescribed by the Constitution; and upon the expiration of the commission of any such justice, the same shall be renewed or another person appointed, as shall most conduce to the well being of the kingdom.

SECTION 915. Each of said district justices shall have jurisdiction, subject to appeal, to hear and determine all civil cases wherein the property involved in controversy, or the amount of the plaintiff's demand, does not exceed one hundred dollars, in which the party defendant is resident, or for the time being is found, within his district, whether the parties be natives or foreigners, except that in any district where there is a police justice, the district justice shall not have jurisdiction in any case in which either party is a foreigner by birth.

SECTION 916. Each of said justices shall have jurisdiction to hear and determine, subject to appeal, all cases of offenses against any law of this kingdom wherein the fine shall not exceed one hundred dollars, in which the party prosecuted is resident, or for the time being is found, within his district, except that in any district where there is a police justice, the district justice shall not have jurisdiction in any case

wherein the party accused is a foreigner by birth. Nothing in this section contained shall be held to alter or extend, the jurisdiction conferred upon district justices by the fifty-third chapter of the Penal Code.

SECTION 917. Every district justice shall have power to issue a warrant, for the arrest and examination of any person charged with an offense not within his jurisdiction, where the party accused is resident, or for the time being is found, within his district, and upon satisfactory evidence of the probable guilt of such person, to commit him to prison for trial at the ensuing term of the Supreme Court, or the Circuit Court of the island.

SECTION 918. In all cases of commitment for trial by any district justice, he shall forward without delay, to the district attorney of the island where the trial is to take place, a transcript of the evidence upon which the commitment is founded.

SECTION 919. Every district justice shall have all the necessary powers in and for the administration of justice, in all cases coming within his jurisdiction. He shall not be confined to forms, nor shall he be compelled in any case to preserve any other record of his proceedings, than the mere conclusion, determination, or judgment, at which he may arrive.

SECTION 920. The district justices shall not have power to try actions for slander, libel, defamation of character, malicious prosecution, breach of promise of marriage, false imprisonment, or seduction; and all the provisions of section 903, shall be applicable to said district justices as well as to police justices.

SECTION 921. Said justices shall have power to cite parties by oral message or in writing, and in like manner to cite witnesses from any place within their respective judicial circuits, and taking equitable consideration of the controversy depending before them, to render judgment according to law. They shall also have the like power to grant adjournments, as is conferred by law upon police justices.

SECTION 922. The several district justices shall receive for their

services, such compensation as the Legislature shall from time to time determine and appropriate; provided, however, that hereafter, upon the appointment of any district justice, it shall be lawful for the governor appointing him, with the approval of the justices of the Supreme Court, to provide that such justice shall receive as compensation, in lieu of a fixed salary, all the costs of court accruing and collected in cases tried before him.

SECTION 923. In case of the illness, or temporary absence, of any district justice, some other person may be appointed in the manner prescribed in section 913, to perform his duties for the time being.

SECTION 924. Nothing contained in this article shall be construed to prevent one person from being appointed district justice for more than one district.

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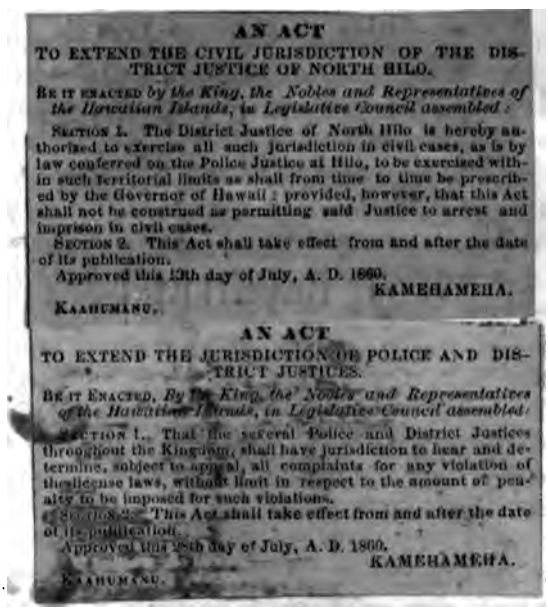

AN ACT

TO EXTEND THE CIVIL JURISDICTION OF THE DISTRICT JUSTICE OF NORTH HILO.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. The District Justice of North Hilo is hereby authorized to exercise all such jurisdiction in civil cases, as is by law conferred on the Police Justice at Hilo, to be exercised within such territorial limits as shall from time to time be prescribed by the Governor of Hawaii: provided, however, that this Act shall not be construed as permitting said Justice to arrest and imprison in civil cases.

SECTION 2. This Act shall take effect from and after the date of its publication.

Approved this 13th day of July, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO EXTEND THE JURISDICTION OF POLICE AND DISTRICT JUSTICES.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That the several Police and District Justices throughout the Kingdom, shall have jurisdiction to hear and determine, subject to appeal, all complaints for any violation of the license laws, without limit in respect to the amount of penalty to be imposed for such violations.

SECTION 2. This Act shall take effect from and after the date of its publication.

Approved this 13th day of July, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

CHAPTER XVI.

OF PROCEEDINGS IN SPECIAL CASES.

ARTICLE XXXVIII.—OF THE SETTLEMENT OF DISPUTES BY ARBITRATION.

SECTION 925. All controversies, which might be the subject of a personal action at law, or of a suit in equity, may be submitted to the decision of one or more arbitrators, in the manner provided in this article.

SECTION 926. The parties to any such controversy may agree in writing, to submit the same to the decision of one or more arbitrators, named in the agreement, or to be appointed in such manner as the parties shall agree upon, stipulating that the award of such arbitrators when rendered, shall be entered up as a judgment of any court of record, or police court, of the kingdom, mentioned in such agreement.

SECTION 927. The parties shall appear personally, or by attorney, before the police justice, or any justice of the court of record, agreed upon, and upon their acknowledging the execution of the written submission, and producing the same, before such justice, he shall cause the same to be entered as a rule of court; after which neither party shall have a right to revoke the submission, without the consent of the other.

SECTION 928. All the matters submitted to the decision of the arbitrators, shall be specified in the agreement of submission, or in a written statement annexed thereto.

SECTION 929. The parties may stipulate in the agreement of submission, as to the time within which the award is to be made and

reported to the court, and no award made after that time shall be held to bind the parties, unless by their mutual consent before the court.

SECTION 930. The arbitrators shall give notice to the parties of the time and place appointed for hearing, and if either of the parties shall neglect to appear before the arbitrators, after due notice, the arbitrators may proceed to hear and determine the cause, upon the evidence produced by the other party.

SECTION 931. All the arbitrators must meet and hear the parties, but a majority of them may make the award, which shall be as valid as if signed by all of them, unless the concurrence of the whole be expressly required in the submission.

SECTION 932. The award shall be delivered by one of the arbitrators, to the police justice, or to the clerk of the court of record, by whom the submission was made a rule of court.

SECTION 933. If there is no provision in the submission, concerning the costs of the proceedings, the arbitrators may make such award respecting the costs, as they shall judge reasonable, including a compensation for their own services; but the court may reduce the sum, charged for the compensation of the arbitrators, if it shall appear to the court unreasonable.

SECTION 934. Upon the coming in of the award, either party may, after four days notice to the other party, move the police justice, or any justice of the court of record, as the case may be, to cause the award to be entered up as a judgment of court; and unless the other party shall satisfy the justice, that the award has not been made in accordance with the terms of the submission, or that it has been made by collusion or fraud, he shall cause the same to be entered up as a judgment of court; but if the opposing party sustains his objections to the satisfaction of the justice, he shall declare the award null and void.

SECTION 935. After such award has been entered up as a judgment of court, execution may be issued thereon as in other cases.

SECTION 936. Any party deeming himself aggrieved, by the decision

of the justice before whom motion is made for judgment upon the award, may take an appeal to the Supreme Court, in *banco*, upon filing written notice of his intention so to appeal, within five days after the rendition of such decision.

ARTICLE XXXIX.—OF THE TRIAL OF CAUSES IN CASE OF THE DISQUALIFICATION OF THE CIRCUIT JUDGES, POLICE AND DISTRICT JUSTICES.

SECTION 937. When for any cause any police or district justice is legally disqualified to hear and determine any case, civil or criminal, which would by law come under his jurisdiction, the same may be brought by direct suit or complaint, before any circuit judge of the circuit in which such police or district justice holds office, to be heard and determined by such circuit judge, in like manner as if it had been brought before him by appeal. The same costs shall be charged in such case, as would have been charged if the suit had been brought before the police or district justice.

SECTION 938. When any party deems himself aggrieved by the decision of any police or district justice, in any case, civil or criminal, and the circuit judge to whom appeal might be taken, is legally disqualified to hear and determine the case, said party may take an appeal direct to the Supreme Court, or to the Circuit Court of the circuit in which he resides, upon conforming to the conditions upon which appeals may be taken to a circuit judge at chambers.

ARTICLE XL.—OF SUMMARY PROCEEDINGS TO RECOVER POSSESSION OF LAND IN CERTAIN CASES.

SECTION 939. When any lessee of any lands or tenements, or any person holding under such lessee, shall hold possession of the demised premises, without right, either by its own limitation or by a notice to quit of at least ten days, the person entitled to the premises may be restored to the possession in the manner hereinafter provided.

SECTION 940. The person entitled to the possession of the premises, may apply to any police or district justice for a writ, in the form used for an original summons in common civil actions before such justices, in which the defendant shall be summoned to answer the complaint of the plaintiff, for that the defendant is in the possession of the lands or tenements in question, describing them, which he holds unlawfully, and against the right of the plaintiff, and no other declaration shall be recognized.

SECTION 941. Such summons shall be served either:

1. By delivering to the tenant, to whom it shall be directed, a true copy thereof, and at the same time showing him the original, or,

2. If such tenant be absent from his last or usual place of residence, by leaving a copy thereof at such place, with some person of mature age residing in the premises.

SECTION 942. The summons shall be returnable within such time as shall appear reasonable to the justice, not less than three, nor more than five days; and the suit shall be conducted like other civil actions before such justices.

SECTION 943. If the defendant shall be defaulted, or if on the trial it shall be proved to the satisfaction of the justice, that the plaintiff is entitled to the possession of the premises, he shall have judgment for the possession thereof, and for his costs, and execution shall issue accordingly.

The writ of possession shall issue to the Marshal, or to any sheriff or constable of the city or district where the premises are situated, commanding him to remove all persons from said premises, and to put the plaintiff, or his agent, into the full possession thereof.

SECTION 944. The officer to whom such warrant for delivering possession shall be directed and delivered, is hereby required to execute the the same according to the tenor thereof.

SECTION 945. Whenever a warrant shall be issued as aforesaid for the removal of any tenant, the contract for the use of the premises, if any such exists, and the relation of landlord and tenant between the parties, shall be deemed to be cancelled and annulled.

SECTION 946. The issuing of such warrant of removal shall be stayed in the case of a proceeding for the non-payment of rent, if the person owing such rent, shall, before such warrant be actually issued, pay the rent due, and all the costs and charges of the proceedings; or give such security for the payment thereof, within five days, as shall be satisfactory to the justice, or to the plaintiff.

SECTION 947. Any justice before whom a suit may be pending for the recovery of premises may, upon the request of either party, adjourn the hearing of the suit, for the purpose of enabling such party to procure his witnesses, when it shall appear to be necessary; but such adjournment shall, in no case, exceed five days.

SECTION 948. Either party may appeal from the judgment of the justice, at any time within twenty-four hours after the entry of the judgment, to any circuit judge, or to the Supreme Court; but the appellant shall, before the allowance of his appeal, file with the justice a bond, with sufficient surety or sureties, to the adverse party, in the sum of one hundred dollars, with condition to prosecute his appeal without delay, and to pay all the costs arising from the appeal, in case the decision of the justice is affirmed.

SECTION 949. When the defendant is proceeded against for the non-payment of rent, and the justice decides that the plaintiff should have

possession, the defendant shall not be allowed to keep possession and take his appeal, unless he first gives a bond to the plaintiff, with good and sufficient surety or sureties, to pay all rent that may accrue and become due after the appeal, provided it shall be finally determined that the plaintiff was entitled to the possession.

SECTION 950. If any tenant, being in arrear for rent, shall desert the demised premises, and leave the same unoccupied and uncultivated, any police or district justice may, at the request of the landlord, and upon due proof that the premises have been so deserted, by such tenant, leaving rent in arrear, go upon and view said premises; and upon being satisfied, upon such view, that the premises have been so deserted, he shall affix a notice in writing upon a conspicuous part of the premises, requiring the tenant to appear and pay the rent due, at some time in the said notice specified, not less than ten, nor more than thirty days after the date thereof.

SECTION 951. At the time specified in such notice, the justice shall again view the premises, and if the tenant shall appear and pay the rent, or deny that any rent is due to the landlord, all proceedings shall cease. If, upon the second view, the tenant or his agent shall not appear and pay the rent in arrear, or deny that any rent is due, then such justice may put the landlord into possession of the premises; and any demise of the premises, to such tenant shall, from thenceforth, become void.

SECTION 952. An appeal from the proceedings of any justice under the last two preceding sections, may be taken by the tenant to any circuit judge at chambers, or to the Supreme Court, at any time within one month after possession delivered, by serving notice in writing thereof upon such justice, and by giving a bond in the sum of one hundred dollars, with good and sufficient sureties, to be approved by the justice, to pay to the landlord all costs of such appeal which may be adjudged against the tenant; and thereupon such justice shall send up a copy of the proceeding had before him, within ten days after appeals.

ARTICLE XLI.—OF THE ARREST OF DEBTORS.

SECTION 953. Upon a complaint verified by the oath of the plaintiff in any suit, or some person on his behalf, being filed with the clerk of any court of record, or before any police court, in this kingdom, stating that a defendant has contracted a debt in a fraudulent manner, or seeks to evade the payment of any debt, or any other liability due to such plaintiff, by secreting his property, or by transferring, or intending to transfer the same to any third party, or is about to remove the same out of the jurisdiction of such court, or is about to quit the kingdom, it shall be lawful for such court, upon the filing of the bond hereinafter provided, to issue process for the arrest and detention of such defendant, until he shall have entered into security, with sufficient sureties, to abide the result of such suit, and to pay the amount of such judgment as shall be rendered thereon: provided, however, that no such process of constraint shall be issued by such court until such plaintiff, or some person on his behalf, shall have filed a sufficient bond, in a reasonable amount, for the re-imbursement to such defendant, of all damages and costs which he shall sustain in consequence of such arrest, in case the plaintiff shall fail to sustain such suit.

SECTION 954. Whenever any defendant, in one or more civil actions, is arrested and imprisoned as a fraudulent debtor, the expense of supporting such defendant during his imprisonment, shall be borne by the party or parties at whose suit he has been arrested.

SECTION 955. For that purpose, the party or parties at whose suit the defendant has been arrested, shall pay to the officer having him in custody, the sum of fifty cents per diem, and in case the allowance for the defendant's support is unpaid at any time for more than ten days, the officer having the defendant in custody shall release him from imprisonment.

ARTICLE XLII.—OF THE GARNISHEE PROCESS, TO FACILITATE THE COLLECTION OF DEBTS.

SECTION 956. Whenever the goods or effects of a debtor are concealed in the hands of his attorney, agent, factor or trustee, so that they cannot be found to be attached or levied upon, or where debts are due from any person to a debtor, any creditor may bring his action against such debtor, and upon giving bond in a sum to be approved by the court, or any justice thereof, if a court of record, conditioned to answer all costs and damages sustained by such attorney, agent, trustee or factor, in case the plaintiff shall fail to sustain his suit and to recover therein, in his petition for process may request the court to insert therein a direction to the officer serving the same, to leave a true and attested copy thereof with such attorney, agent, factor or trustee, or at the place of his or their usual place of abode, and to summon such attorney, agent, factor or trustee, to appear upon the day or term mentioned and appointed in said process for hearing the said cause, and then and there on oath to disclose whether he has, or at the time said copy was served, had any of the goods or effects of the defendant in his hands, and if so, the nature, amount and value of the same, or is indebted to him, and the nature and amount of such debt; which summons and direction shall be signed and issued in the same manner as summons are usually issued in civil actions, and shall be served by the officer according to such direction; and from the time of leaving such copy, all the goods and effects in the hands of such attorney, agent, factor or trustee, and every debt due from such debtor to the defendant, shall be secured in his hands to pay such judgment as the plaintiff shall recover, and may not be otherwise disposed of by such attorney, agent, factor or trustee, and such notice shall be sufficient notice to the defendant to enable the plaintiff to bring his action to trial, unless the defendant be an inhabitant of this kingdom, or has some time resided therein, and then a like copy shall be served personally upon him, or left at his last and usual place of abode.

SECTION 957. Such attorney, agent, factor or trustee, upon his desire, shall be admitted to defend his principal in such suit, and if judgment be rendered in favor of the plaintiff, all the goods and effects in the hands of such attorney, agent, factor or trustee, and the debt due from such debtor, or such part thereof as may be sufficient for that purpose, shall be liable to pay the same, and the plaintiff, on praying out execution, may direct the officer serving the same to make demand of such attorney, agent, factor or trustee, of the goods and effects of the defendant in his hands, whose duty it will be to expose the same to be taken on the execution, and also to make demand of such debtor for any debt, or such part thereof as may satisfy said judgment, as may be due to the defendant, and it shall be the duty of the said debtor to pay the same; and if such attorney, agent, factor or trustee, shall have in any manner disposed of the goods and effects of his principal which were in his hands when the copy of the writ was left with him, and shall not expose and subject them to be taken on execution, or if such debtor shall not pay to the officer, when demanded, the debt due to the defendant at the time the copy of the writ was left with him, such attorney, agent, factor, trustee or debtor, shall be liable to satisfy such judgment out of his own estate, as his proper debt, if the goods, or effects, or debt, be of sufficient value or amount; if not, then to the value of such goods or effects, or to the amount of such debt.

SECTION 958. If the said attorney, agent, factor, trustee or debtor, fail to appear upon the day and hour of hearing named in the summons or writ above mentioned, or if, having appeared, he refuse to disclose upon oath whether he has goods or effects of the defendant in his hands, and their nature and value, or whether a debt is due from him to the debtor, and its amount, the case shall proceed to trial; and if the plaintiff recover a judgment, execution shall issue, at his request, against the estate of such contumacious attorney, agent, factor, trustee or debtor, for the amount of such judgment, as his own proper debt, and the lawful costs; provided, that if it appear on the trial that the goods and effects are of less value, and the debt of less amount, than the judgment, recovered against the debtor, judgment shall be rendered against garnishees to the value of the goods or the amount of the debt. And if it appears that the garnishee has no goods or effects of such debtor in his hands, or is not indebted to him, then he shall recover his lawful costs. But if he

appear, and on oath disclose fully whether he has in his hands the goods or effects of, or is indebted to the defendant, and it appears to the court that he has no such goods or effects, or is not so indebted, then judgment shall be given for him, and he shall recover his lawful costs.

SECTION 959. If upon disclosure made on oath by such debtor, it appear that such garnishee is indebted to the defendant, but that such debt is not payable, and become due until some future time, then such judgment as the plaintiff may recover shall constitute a lien upon such debt, until and at the time it shall fall due and payable.

SECTION 960. The taking of any goods or effects of any debtor, or of any debt due him as aforesaid, by process and judgment of law, out of the hands of his attorney, agent, factor, trustee or debtor, by any of his creditors, shall forever discharge him or them from any suit or demand for the same.

SECTION 961. The provisions of this article, and the powers conferred therein, shall extend to all the common law courts of this kingdom according to their jurisdiction, as at present or in future organized.

ARTICLE XLIII.—OF PROCEEDINGS IN BANKRUPTCY.

SECTION 962. Every person owing debts to the amount of two thousand dollars, who shall refuse or fail to make payment of any of his just demands, for ten days after the same shall have matured, and been presented for payment to him or to his agent; or who shall depart the kingdom with the intent to defraud or delay his creditors; or secrete himself, or keep his house to avoid his creditors, or the service of legal process for the collection of any debts; or make any fraudulent conveyance of his property to a friend or secret trustee, or make any secret removal or other disposition of his property for the purpose of delaying or defrauding any creditor, may upon petition to any justice of the

Supreme Court by any one creditor to the amount of four hundred dollars, or by any two or more creditors, the sum of whose debts shall amount to one thousand dollars, be declared bankrupt: provided, however, that every such person owing debts to the amount of one thousand dollars, which shall not have been created in consequence of a defalcation as a public officer, or as executor, administrator, guardian or trustee, or while acting in any other fiduciary capacity, may, upon finding himself insolvent, appear before any justice of the Supreme Court, and upon making oath of such insolvency, declare himself a bankrupt.

SECTION 963. Every petition to declare a person a bankrupt, shall be verified by oath; state as near as may be the amount due to the petitioner or petitioners; and the act or acts of bankruptcy relied on. The person or persons making such petition shall give a bond, in the penalty of at least two thousand dollars, or in a larger sum, if the justice shall think it just, conditioned for the payment of all the costs of the proceedings, and damages to the party petitioned against, in case he or they fail to prove him a bankrupt.

SECTION 964. Upon receiving such petition and bond, or when any insolvent shall come before any justice of the Supreme Court, and declare himself a bankrupt, as provided in section 962, the justice shall issue an order to the Marshal, or to the Sheriff of the island, to take possession of the debtor's property, and to put his store-houses, counting-houses, effects, books and papers, under lock and seal, and such order shall be full authority for so doing.

SECTION 965. After issuing such order, the justice shall fix a time when he will hear the parties at chambers, and decide the question of bankruptcy, where the same is disputed. He shall cause such previous notice of the time for hearing as he may deem reasonable, to be published in the Government Gazette. A party petitioned against shall, in all cases, be served with a summons to attend, and a copy of the petition, if he be within the kingdom.

SECTION 966. At the time appointed for the hearing of the parties, the justice shall proceed to take testimony that the petitioners are creditors, and that the debtor has committed an act of bankruptcy.

After hearing all the testimony, both on the part of the petitioners and the debtor, he shall give his decision; and if it be in favor of the debtor, his property shall be immediately released from custody.

SECTION 967. Whenever any person shall declare himself a bankrupt, or shall be adjudged a bankrupt by the justice, notice of such bankruptcy shall be given in the Government Gazette, and notice shall also be given for three consecutive weeks, in said Gazette, calling upon all creditors of the debtor to appear before the justice, at such time or times as he may appoint, to prove their debts.

SECTION 968. Debts may be proved before the justice by the oath of the creditors, but when the debtor or any creditor shall dispute the amount claimed, the justice shall compel the claimant to prove his debt by testimony independent of his own oath.

SECTION 969. Debts not due may be proved before the justice, allowing a discount for interest; and all persons who are endorsers or sureties for the debtor, or who have demands against him as drawer or endorser of any note, and all who have demands upon any bottomry or respondentia bond, or for a debt that may become due upon any other contingency whatever, may be considered as creditors within the provisions of this article: provided, that the bill, note, bond or other contract, be made by the debtor before the bankruptcy committed; and that the debt demanded thereupon shall become absolute before the final dividend of the bankrupt's estate.

SECTION 970. When it shall appear to the justice that there are absent creditors, whose interest will suffer from having no person to represent them, he may appoint some fit and proper person as an attorney for that purpose, and such attorney shall receive, in the discretion of the justice, a reasonable compensation out of the dividend coming to such absent creditors.

SECTION 971. Any creditor who, after having been served with twenty days previous notice, (either written or printed) to attend before the justice and prove his debt, shall fail to attend without showing good cause for such non-attendance, shall be considered as having waived his

debt, and shall not be allowed to come in and prove such debt afterwards.

SECTION 972. After all the creditors in this kingdom shall have proved their debts, or failed to do so after due notice as aforesaid, the clerk of the Supreme Court shall appoint a meeting of the creditors who shall have proved their debts; and give two consecutive weeks notice of the same in the Government Gazette. At the time appointed, the creditors shall meet, in the presence of the said clerk, and choose two persons as assignees of the bankrupt's property, real and personal, and the clerk shall enter such choice of record. The assignees shall be chosen by ballot, and the two persons having the greatest number of votes on the first ballot, shall be considered as duly chosen.

SECTION 973. In the choice of assignees, no creditor to an amount less than one hundred dollars shall be entitled to vote. All creditors to the amount of one hundred, and less than five hundred dollars, shall be entitled to one vote each; all creditors to the amount of five hundred dollars, and less than twenty-five hundred dollars, shall be entitled to two votes each; and all creditors to an amount exceeding twenty-five hundred dollars, shall be entitled to three votes each. All disputes that may arise as to the manner of voting, or as to who shall be entitled to vote, shall be referred to, and decided by the justice.

SECTION 974. The justice shall make an order to the Marshal, or the Sheriff, as the case may be, requiring him to assign to the assignees thus chosen, all the property of the bankrupt of whatever name, kind or nature, and such assignees shall dispose of the same by public or private sale, as to them may seem best for the interest of all concerned. The assignees shall give such security for the faithful performance of their trust as the justice shall deem sufficient.

SECTION 975. If any assignee die, or become incapacitated from any cause, to perform the duties of an assignee, the justice shall, upon the petition of any party interested, appoint some other person to fill his place.

SECTION 976. The assignees shall, within one month after receiving

possession of the bankrupt's estate, file a report with the clerk of the Supreme Court, showing the liabilities and assets of the estate, and shall render a cash account of the estate to said clerk, at the end of every succeeding month, and shall invest and dispose of such moneys in the payment of dividends, in such manner as the justice may direct. There shall be one or more dividends or payments, not exceeding three, to creditors in proportion to their debts, without any priority or preference whatsoever, at such times as the justice may name: provided, however, that all debts due or owing by any bankrupt to the Hawaiian Government shall, before any dividend is made to the other creditors, be first paid in full, and that the third or final dividend shall be made within eighteen months from the date of the assignment, unless in the opinion of the justice, a just settlement of the bankrupt's estate shall require the time for making the final dividend to be extended, in which case he shall have the power to extend the same.

SECTION 977. The assignees shall have full power to sue for and collect debts due to the bankrupt, in their own name. They may also bring any other suit in their own name, which has for its object the recovery of any portion of the bankrupt's estate.

SECTION 978. The bankrupt shall be divested of all his title and interest in his property from the day of his failure, (except the necessary clothing of himself and family, and such other necessaries, not to exceed the value of three hundred dollars, as the justice may designate) and every assignment, conveyance or transfer of his property, by him, after he shall have become insolvent, or committed an act of bankruptcy, except upon a good consideration to a *bona fide* purchaser having no notice of such insolvency or bankruptcy, shall be void, and the property so transferred may be recovered and disposed of by the assignees for the benefit of the creditors.

SECTION 979. All executions, or attachments, laid upon any person's property after he shall have committed an act of bankruptcy, shall be void.

SECTION 980. From the time any person entitled to the benefit of this law has declared himself a bankrupt, or from the filing of any peti-

tion by any creditor, or creditors, to have him declared a bankrupt, all civil suits depending against him shall be suspended: provided, nevertheless, that such bankrupt may be arrested and imprisoned as a fradulent debtor, by order of any justice of the Supreme Court, upon the sworn petition of any of his creditors, setting forth sufficient cause for such arrest and imprisonment.

SECTION 981. If the property of a person declaring himself a bankrupt, or proceeded against as a bankrupt, be of a perishable nature, the justice may, upon the application of any party interested, setting forth such fact under oath, order the same, at any time before the appointment of assignees, to be sold at auction, and the money to be deposited in the public treasury to await the order of the court.

SECTION 982. During the pendency of any proceedings against a person charged with bankruptcy, and until the justice has decided whether he has committed bankruptcy or not, the justice shall make allowance to him for his own support and that of his family, if he has one: provided, that such allowance shall not exceed the rate of three hundred dollars per annum, if a single man, or the rate of five hundred dollars per annum, if a man of family.

SECTION 983. Every person who, upon finding himself insolvent, shall declare himself a bankrupt, or may have been adjudged a bankrupt on petition, as provided in this article, and who shall surrender, discover, and deliver over to the assignees chosen by his creditors, all his property, personal and real, shall, with the consent of a majority of his creditors in value and number within this kingdom, be entitled to a certificate of discharge from all his debts, to be given him by the Chief Justice of the Supreme Court: provided, however, that no such discharge shall release any person who may be liable for the same debt, as a partner, joint contractor, indorser, acceptor or surety for or with the debtor.

SECTION 984. Every debtor, prior to obtaining his certificate of discharge, shall take the following oath, viz.:

I, —— ——, do solemnly swear that I have, according to the best of my knowledge and belief, delivered over and made a full, just, true and perfect discovery of all the property to me in any way belonging, and all such debts as are to me owing

or to any person in trust for me ; and that I have no money, lands or other estate, real or personal, beside that which I have surrendered to the assignees ; and that I have not directly or indirectly, sold, disposed of, or concealed any part of my property, to secure the same to myself, or to receive any profit or advantage therefrom, or to defraud or deceive any creditor to whom I am indebted in anywise whatsoever : So help me God.

SECTION 985. The debtor, if afterwards sued for any of his debts, shall have no benefit of the said discharge, but judgment shall be rendered against him for the amount that shall then appear to be due, if the plaintiff shall prove any of the following facts, to wit :

First. That the debtor has made any gift to, or contract with, or given any security to any of his creditors, to obtain his or their consent to his certificate of discharge.

Secondly. That he has fraudulently concealed, reserved or disposed of any of his property.

Thirdly. That he did knowingly and willfully make any false statement, in any disclosure made to or for his creditors, concerning the amount or disposition of his property ; or,

Fourthly. That he did at any time, in contemplation of bankruptcy, as in this article provided for, voluntarily make any payment or any transfer or conveyance of his property, with a view to give to any creditor or to any endorser or surety for the debtor, a preference or advantage over his other creditors.

SECTION 986. The justice shall have the power, after bankruptcy declared, to examine any bankrupt under oath touching his estate, his acts and doings, his property and rights of property, which in the judgment of the court are necessary and proper for the purposes of justice, and in case he refuse to answer him, to commit him to prison until he consents to make such answer.

SECTION 987. If any bankrupt shall refuse to deliver or surrender up to the assignees chosen by his creditors, as aforesaid, any of his effects, books or papers, the justice may, upon the petition of the assignees, commit him to prison until he makes such delivery or surrender.

SECTION 988. After receiving his certificate of discharge, any bankrupt, who may be required, shall attend and render assistance to

the assignees in settling accounts; for which services he shall be paid the sum of three dollars per day. In case he refuse to attend and assist them, he may, upon complaint to the justice, be committed to prison until he consents to render such assistance.

SECTION 989. In case of the removal, illness or absence of the justice before whom proceedings under this article are instituted, such proceedings may be continued before some other justice of the Supreme Court.

SECTION 990. Any party interested may except to any decision of the justice, in proceedings under this article, and appeal therefrom to the Supreme Court in *banco:* provided, such party give notice of his appeal within five days after the rendition of such decision, and within ten days thereafter file with the clerk of the court, a good and sufficient bond, in the penal sum of one hundred dollars, conditioned for the payment of all costs arising from said appeal, in case it shall not be sustained.

SECTION 991. Two or more persons doing business as partners, may declare themselves bankrupt as a firm, and may be declared bankrupt, and obtain a certificate of discharge, in the same manner and on the same terms as an individual.

SECTION 992. When two or more persons who are partners in trade, become insolvent and bankrupt as provided in this article, all the joint stock and property of the company, and also all the separate estate of each of the partners, shall be taken, excepting such parts thereof as are herein excepted; and all the creditors of the company, and the separate creditors of each partner, shall be allowed to prove their respective debts; and the assignees shall also keep separate accounts of the joint stock or property of the company, and of the separate estate of each member thereof; and after deducting out of the whole amount received by such assignees, the whole of the expenses and disbursements paid by them, the net proceeds of the joint stock shall be appropriated to the payment of the creditors of the company, and the net proceeds of the separate estate of each partner shall be appropriated to pay his separate creditors; and if there shall be any balance of the separate estate of any partner, after the payment of his separate debts, such balance shall be added to

the joint stock for the payment of the joint creditors; and if there shall be any balance of the joint stock, after the payment of the joint debts, such balance shall be divided and appropriated to and among the separate estates of the several partners, according to their respective rights and interests therein, and as it would have been if the partnership had been dissolved without any bankruptcy; and the sum so appropriated to the separate estate of each partner shall be applied to the payment of his separate debts, and in all other respects the proceedings against partners shall be conducted in the like manner as if they had been commenced and prosecuted against one person alone.

SECTION 993. Any bankrupt who shall have been imprisoned as a fraudulent debtor, may be discharged from such imprisonment by order of any justice of the Supreme Court, either at or before the final settlement of the estate, if it shall appear to the satisfaction of such justice that the bankrupt has surrendered, discovered and delivered over to the assignees chosen by his creditors, all his property, personal and real, and in other respects conformed to the main provisions of the law relating to bankruptcy.

SECTION 994. The costs of the proceedings under this article, except in cases where the petitioners fail to prove the person petitioned against a bankrupt, shall be borne by the bankrupt's estate. The assignees shall be paid two and one half per cent. on all property received by them, and two and one half per cent. on all property disbursed by them.

SECTION 995. The books and papers of the estate shall, after the final dividend and settlement, be deposited with the clerk of the Supreme Court.

ARTICLE XLIV.—OF THE SETTLEMENT OF CONTROVERSIES RESPECTING RIGHTS OF WAY.

SECTION 996. There shall be appointed, by the Minister of the Interior, in each election district throughout the kingdom, three suitable persons to act as commissioners of private ways.

SECTION 997. It shall be the duty of such commissioners, within their respective districts, to hear and determine all controversies respecting rights of way, between private individuals, or between private individuals and the Government.

SECTION 998. In settling such controversies, the commissioners shall give such decision as may in each particular case appear to them to be just and equitable, between the parties interested.

SECTION 999. Any party deeming himself aggrieved by the decision of the commissioners, may appeal therefrom to the Circuit Court of the Island; or, if the controversy is on the Island of Oahu, to the Supreme Court, which Circuit or Supreme Court shall hear and determine the case in *banco:* provided, however, that any party desirous of so appealing shall give notice of the same to the commissioners, within five days after the rendition of their decision.

SECTION 1000. Whenever any party shall appeal from the decision of the commissioners, as provided in the last preceding section, it shall be the duty of the commissioners to send up a statement of the case, together with a copy of their decision, to the court to which the appeal has been taken.

SECTION 1001. The commissioners shall receive the sum of five dollars each, as a compensation for their services in settling any such controversies; which compensation shall be paid by either of the parties alone, or by all the parties interested, in such proportions as the commissioners may adjudge. In case of appeal, the compensation of the commissioners, as well as the additional costs, shall abide the decision of the appellate court.

SECTION 1002. The commissioners provided for by this article shall be removable from office, at the pleasure of the Minister of the Interior, who shall also have power to fill all vacancies which may occur in their number.

SECTION 1003. The said commissioners shall have the like power to administer oaths; to punish contempts; to grant adjournments; to sub-

pœna and compel the attendance of witnesses; and issue execution for costs, as is conferred by law upon police courts.

ARTICLE XLV.—OF THE SUPPRESSION OF PROSTITUTION.

SECTION 1004. It shall be lawful for the Police Justices of Honolulu, Lahaina and Hilo, respectively, to cause to be arrested and brought before them, any female that may be complained of by the Sheriff or Prefect of Police, as being a prostitute, and if it shall appear to the satisfaction of the justice that such female is a prostitute, and that her father, mother, or other guardian, reside in any other district than that in which such justice has jurisdiction, or that such female has left her native district and come to reside within the district where such justice has jurisdiction, for the purpose of prostitution, then such justice may order such female to return to her parents or guardian, if she have any, or to the district from whence she came, within forty-eight hours from the time of such order; and if such female be found within his district after the expiration of such period of forty-eight hours, the justice may punish her by imprisonment at hard labor, or solitary confinement, for a period not exceeding thirty days upon the first complaint, and upon any subsequent complaint for a period not exceeding sixty days. It shall be the duty of all judicial and police officers, school-inspectors and school-teachers, to inform the police justices of the seaports aforesaid, of any females belonging to their respective districts, whom they may suspect of having resorted to said seaports for the purposes of prostitution, that they may be dealt with as hereinbefore provided.

CHAPTER XVII.

OF APPEALS.

SECTION 1005. Any party deeming himself aggrieved by the decision of any police or district justice, in any case, whether civil or criminal, may appeal therefrom to any circuit judge at chambers, by giving notice of his appeal within five days after the rendering of such decision, and paying the costs accrued within ten days after the date of said decision: provided, always, that no hearing shall be had until the costs of the trial before the police or district justice are first paid.

SECTION 1006. Any party deeming himself aggrieved by the decision of any police or district justice, in any case, whether civil or criminal, may appeal therefrom to the Circuit Court, or the Supreme Court, by giving notice of his appeal within five days after the rendering of such decision, and within ten days after the date of said decision paying the costs accrued, and depositing a good and sufficient bond in the penal sum of one hundred dollars, conditioned for the payment of the costs further to accrue, in case he is found guilty or defeated in the court above: provided, always, that where such appeal is taken solely upon exceptions to the decision of the justice on points of law, the appeal shall be heard and determined by the appellate court in *banco*.

SECTION 1007. Any party deeming himself aggrieved by the decision of any circuit judge at chambers, in any case, whether civil or criminal, may appeal therefrom to the Circuit Court, or the Supreme Court, by giving notice of such appeal within five days after the rendering of such decision, and within ten days after the date of such decision, paying the costs accrued before the circuit judge, and depositing a good and sufficient bond in the penal sum of fifty dollars, conditioned for the payment of the costs further to accrue, in case he is defeated or found guilty

in the above court: provided, always, that where such appeal is taken solely upon exceptions to the decision of the circuit judge on points of law, the appeal shall be heard and determined by the appellate court *in banco*.

SECTION 1008. Upon an appeal being taken and perfected, according to the provisions of either of the last two preceding sections, the circuit judge or justice, shall give immediate notice thereof to the other party, and if execution shall have been issued, to the officer charged therewith, and shall also, without delay, transmit to the clerk of the appellate court, a perfect transcript of the record and proceedings had before him.

SECTION 1009. Every defendant appealing from the decision of any circuit judge, police justice, or district justice, in any criminal or penal prosecution, shall remain in the custody of the Marshal or the Sheriff of the Island, until the term of the Supreme or Circuit Court to which said defendant has appealed, unless he deposit with the Marshal or Sheriff, a good and sufficient bond in a penal sum equal to the fine or penalty imposed upon such defendant in the court below, conditioned for his appearance for trial at the Supreme or Circuit Court as aforesaid. And in all cases where the punishment adjudged by the circuit judge, or police or district justice, is both fine and imprisonment, or imprisonment only, the Marshal or Sheriff shall exact from the defendant a bond, conditioned as aforesaid, in the penal sum of not less than one hundred, nor more than two hundred dollars.

SECTION 1010. An appeal duly taken and perfected, in any case provided for in this chapter, shall immediately thereafter operate as an arrest of judgment and stay of execution.

SECTION 1011. Unless appeal be taken in accordance with the provisions of this chapter, in any case herein provided for, the decision rendered in the case shall be final, and no court in the kingdom shall have power to remove the same for any cause whatsoever.

SECTION 1012. In any case of an appeal from the decision of one of the justices of the Supreme Court, at chambers, in which a jury shall have been empanneled by such justice, the appeal to the full court shall

be taken upon the record, the verdict of such jury being deemed conclusive as to the facts, and a new jury shall not be empanneled to try any question of fact involved.

SECTION 1013. Costs shall be allowed to the prevailing party in judgments rendered on appeal, in all cases, with the following exceptions and limitations:

1. If the defendant against whom judgment is rendered, appeal, and judgment be rendered in his favor in the appellate court, and the amount recovered in the court below be reduced one-fifth or more, costs shall be awarded to the appellant:

2. If the defendant in whose favor a judgment is rendered, shall appeal, and he shall not recover in the appellate court at least one-fifth more than the amount recovered below, costs shall be awarded to the appellee:

3. If the plaintiff in whose favor judgment is rendered, appeal, and he shall not recover in the appellate court at least one-fifth more than the amount recovered below, costs shall be awarded to the appellee:

4. In all other cases, the party recovering any sum shall be entitled to costs.

SECTION 1014. Whenever costs are awarded to the appellant, he shall be allowed to tax as part thereof, the costs and fees paid in the lower court on taking the appeal, in addition to the costs of the court appealed to. And if, upon an appeal, a recovery for any debt or damages be had by one party, and costs be awarded to the other party, the court shall set off such costs against such debt or damages, and render judgment for the balance.

SECTION 1015. The Supreme Court may, from time to time, establish by standing rules, such regulations for the taking of appeals, and for the removing of causes by *certiorari* and *habeas corpus*, as said court may deem necessary for the better administration of justice.

CHAPTER XVIII.

OF THE ISSUING OF EXECUTIONS, AND PROCEEDINGS THEREUPON.

SECTION 1016. Every circuit judge at chambers, police justice and district justice, shall, at the request of the party recovering any civil judgment in his court, unless such judgment be duly appealed from, issue his execution against the property of the party recovered against, which execution may be in the following form:

To any constable of the district of ———, Island of ———, H. I.:

You are commanded to levy upon the personal property of —— ——, if any within your district, and if sufficient cannot be found, then upon his real property within said district, and giving thirty days previous notice as required by law, to sell the same, or so much thereof as may be found necessary, at public sale to the highest bidder, in order to satisfy a judgment rendered by me against him in favor of —— ——, on the day —— of ——, 18—, for —— dollars, the costs of court inclusive, collecting also the legal interest thereon, from the date thereof, and your costs and the expenses of levy, advertisement and sale. Make due return to me of this writ, with your proceedings thereon, and the money by you so collected, on or before the expiration of —— days; and hereof fail not at your peril.

Given under my hand this —— day of ——, 18—.

———— ————,

Police Justice (or as the case may be).

SECTION 1017. The provisions of the last preceding section, shall not apply to the issuing of execution upon a judgment entered up by the order of a circuit judge, in any cause or proceeding in the circuit court, but in such case the execution shall be issued in the manner and form prescribed for courts of record.

SECTION 1018. All executions issued by a circuit judge at chambers, police justice or district justice, shall be made returnable within sixty days from the date thereof.

SECTION 1019. The forms of executions to be issued from courts of record, shall be the same as have been heretofore established by the usage and practice of such courts; but alterations therein may, from time to time, be made, or allowed by the Supreme Court, when necessary to adapt them to changes in the law, or for other sufficient reasons.

SECTION 1020. All writs of execution, whether civil or criminal, issuing from any court of record, shall be addressed to the Marshal, or his deputy, and shall be signed by the clerk of such court, and impressed with the seal thereof.

SECTION 1021. Every officer receiving a writ of execution issued in due form by any court or justice, shall note thereon the day and hour of its receipt, and he shall give priority in levying upon property of the defendant in execution, to the writs received by him according to the order of time in which they are received.

SECTION 1022. Every levy by an officer, in pursuance of a writ of execution issued by any court, or justice, shall be made by taking the property levied upon into his possession, care and guardianship, and in his option, by removal of the same to some place of security. The officer shall make an inventory of the property levied upon.

SECTION 1023. The officer shall, after levy, advertise for sale the property levied upon, whether real or personal, for thirty days, or for such time as the court shall order, by posting a written or printed notice, in three conspicuous places within the district where such property is situated, and if on the Island of Oahu, by advertisement thereof in the Government Gazette.

SECTION 1024. The officer shall, on the day and at the place set for such public sale, unless paid the amount of the judgment, interest and costs, and his fees and disbursements accrued upon the writ, sell the property advertised to the highest bidder. He shall deduct from the proceeds of the sale sufficient for the full satisfaction, if possible, of the execution and his costs, expenses and commissions, and return the said writ, satisfied wholly or in part, paying the amount collected thereon to the plaintiff in execution or his attorney.

SECTION 1025. If, at the time appointed for the sale, the officer shall deem it expedient, and for the interest of all persons concerned therein, to postpone the sale, for want of purchasers or for other sufficient cause, he may postpone it for any time not exceeding seven days, and so from time to time, for like good cause, until the sale shall be completed; giving notice of every such adjournment, by a public declaration thereof, at the time and place previously appointed for the sale.

SECTION 1026. The officer shall execute and deliver, to any purchaser at such sale, such certificate of purchase, or conveyance, as may be necessary.

SECTION 1027. No sale by execution shall operate to convey a greater estate or interest in the property sold, than the defendant in execution had at the time of such sale; and all such sales of property not belonging to the defendant, shall subject the officer to the private action of the purchaser, being afterwards deprived thereof by the real owner.

SECTION 1028. The officer serving any execution shall act upon his own private accountability, for all excesses of his official powers, and for any departure from the legal import of the writ or mandate in his hands.

SECTION 1029. If, upon an execution being issued by a circuit judge at chambers, or by a police or district justice, no property, or not a sufficient amount of property, belonging to the defendant in execution, can be found within the jurisdiction of the judge or justice issuing the execution, and the same is returned unsatisfied, either wholly or in part, the plaintiff in execution may, upon procuring a certified copy of the judgment and execution in the court below, to be docketed in the office of the clerk of the Supreme Court, sue out a writ of execution from said Supreme Court, which shall be available against the property of the defendant, wherever situated within the kingdom.

SECTION 1030. Any circuit court, out of which an execution has been issued, if such execution has been returned unsatisfied wholly or in part, may issue an alias execution to the same circuit, or an execution leviable in some other circuit, for the satisfaction of the unpaid

remainder of the judgment and additional costs, expenses and commissions, which alias or *testatum* writ of execution shall be served by the Marshal, or his deputy, in like manner as the original.

SECTION 1031. No original execution shall be issued, unless within one year after the party shall be entitled to sue out the same, and no alias, or other successive execution, shall be issued afterwards, unless each one be sued out within one year after the return day of that which preceded it.

SECTION 1032. If a judgment remains unsatisfied, after the expiration of the time for taking out execution thereon, the plaintiff may have a *scire facias* to obtain a new execution, or he may, at any time after the judgment, have an action of debt thereon.

SECTION 1033. Any judge of a court of record may, by order at chambers, in any cause in which an execution shall have been issued, grant a stay thereof in the officer's hands, for equitable reasons, when no appeal or writ of error is granted, upon the defendant giving bond and security for its payment with costs up to the said stay. The property levied upon shall not be released from levy by the stay of execution, and in case at the end of the time accorded the condition of such bond be not complied with, the plaintiff in execution may elect whether to proceed to the sale of the levied property, or to enforce the bond: provided, that if the levied property be not sufficient to pay the judgment, with all costs, expenses and commissions, the stay inclusive, the sureties in the bond shall be answerable for the deficiency. And when justice may require the renewal of any execution, or an extension of the time for making return to any execution, any judge of a court of record shall have power so to order.

SECTION 1034. Bonds of indemnity given to an officer, as provided in section 274, shall be collectable by the officer receiving the same, upon citation to show cause and proof of the signatures thereto, without the intervention of a jury, and the damages to be assessed thereon shall be the amount recovered against the said officer, with interest and costs of suit, and the expenses of such citation and judgment of indemnity, for which execution may be issued against the co-obligors, both jointly and severally, leviable as in other cases of indebtedness.

SECTION 1035. The following property when owned by any person, being a housekeeper and having a family, shall be exempt from levy or sale on execution:

The family Bible, family pictures and school books:

Two swine or six goats, and all necessary fish, meat, flour, and vegetables, actually provided for family use, not to include kalo or any plant still growing or ungathered:

All necessary wearing apparel, mats, beds, bedsteads, and bedding for such person and his family; one poi board, one poi beater, two calabashes, one oo, one table, six chairs, six knives and forks, six plates, six tea cups and saucers, one sugar dish, one milk pot, one tea pot, one coffee pot and six spoons:

The tools and implements of any mechanic, necessary for carrying on his trade or business, not exceeding fifty dollars in value:

The uniform of any officer or private belonging to any of the military forces of the kingdom, and his arms and accoutrements.

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CHAPTER XIX.

OF THE TIME OF COMMENCING PERSONAL ACTIONS.

SECTION 1036. The following actions shall be commenced within six years next after the cause of such action accrued, and not after:

1. Actions for the recovery of any debt founded upon any contract, obligation or liability, excepting such as are brought upon the judgment or decree of some court of record:

2. Actions upon judgments rendered in any court not being a court of record:

3. Actions of debt for arrearages of rent:

4. Actions for trespass upon land:

5. Actions for taking, detaining or injuring any goods or chattels, including actions of replevin:

6. Special actions on the case for criminal conversation, for libels, or for any other injury to the persons or rights of any, except such as are specified in the next two sections.

SECTION 1037. The following actions shall be commenced within two years after the cause of action accrued, and not after:

1. Actions for assault and battery:

2. Actions for false imprisonment:

3. Actions for words spoken slandering the character or title of any person:

4. Actions for words spoken whereby special damages are sustained:

5. Actions against the Marshal, Sheriffs, or other officers, for the escape of prisoners, or upon any liability incurred by them by the doing any act in their official capacity, or by the omission of any official duty.

SECTION 1038. In all actions of debt, account, or assumpsit, brought

to recover any balance due upon a mutual, open and current account, the cause of action shall be deemed to have accrued, from the time of the last item proved in such account.

SECTION 1039. If any person entitled to bring any action in this chapter specified (excepting actions against the Marshal, Sheriffs, or other officers) shall, at the time the cause of action accrued be, either,

1. Within the age of twenty years: or,

2. Insane: or,

3. Imprisoned on a criminal charge, or in execution under the sentence of a criminal court for a term less than his natural life: or,

4. A married woman:

Such persons shall be at liberty to bring such actions within the respective times in this chapter limited, after such disability removed.

SECTION 1040. If any person entitled to bring any action in this chapter specified, shall die before the expiration of the time herein limited for the commencement of such suit, if such cause of action shall survive to his representative, his executors or administrators may, after the expiration of such time and within one year after such date, commence such action; but not after that period.

SECTION 1041. If at the time when any cause of action specified in this chapter shall accrue against any person, he shall be out of the kingdom, such action may be commenced within the terms herein respectively limited, after the return of such person into this kingdom; and if, after such cause of action shall have accrued, such person shall depart from and reside out of this kingdom, the time of his absence shall not be deemed or taken as any part of the time limited for the commencement of such action.

SECTION 1042. When an action, commenced within the time prescribed by law, shall abate by reason of the death of the plaintiff, if the right of the action survive to his representatives, his executors or administrators may, within one year after such death, commence a new action.

SECTION 1043. Whenever the commencement of any suit sh

stayed by an injunction of any court of equity, the time during which such injunction shall be in force, shall not be deemed any portion of the time in this chapter limited for the commencement of such suit.

SECTION 1044. When a suit shall be alleged by a plaintiff to have been commenced within the time required by law, and such allegation shall be put in issue by the defendant, it shall be competent for the defendant to prove, on the trial, that the process issued by the plaintiff was not issued with the intent or in the manner required by law; or that any means whatever were used by the plaintiff, or his attorney, to prevent the service of the writ, or to keep the defendant in ignorance of the issuing thereof.

SECTION 1045. Upon any such matter being established, or upon its appearance in any other way that any process was issued without any intent that it should be served, such process shall not be deemed the commencement of a suit within the meaning of the provisions of this chapter.

SECTION 1046. No person shall avail himself of any disability enumerated in this chapter, unless such disability existed at the time his right of his action accrued.

SECTION 1047. Where there shall be two or more such disabilities existing at the time the right of action accrued, the limitations herein prescribed shall not attach until all such disabilities be removed.

SECTION 1048. The provisions of this chapter shall not extend to any action which is, or shall be, limited by any statute to be brought within a shorter time than is herein prescribed; but such action shall be brought within the time limited by such statute.

SECTION 1049. If any person who is liable to any of the actions mentioned in this article, shall fraudulently conceal the cause of such action from the knowledge of the person entitled thereto, the action may be commenced at any time within six years after the person who is entitled to bring the same shall discover that he has such cause of action, and not afterwards.

SECTION 1050. All the provisions of this chapter shall apply to the case of any debt on contract, alleged by way of set off on the part of a defendant, and the time of limitation of such debt shall be computed in like manner as if an action had been commenced therefor, at the time when the plaintiff's action commenced.

SECTION 1051. Every judgment and decree, in any court of record of this kingdom, shall be presumed to be paid and satisfied, at the expiration of twenty years after the judgment or decree was rendered.

SECTION 1052. In all cases where the right of action shall have accrued previous to the first day of August, A. D. 1853, no action shall be maintainable, unless the same shall be commenced before the first day of August A. D. 1859; subject however to the provisions of section 1039.

CHAPTER XX.

OF THE PREVENTION OF FRAUDS AND PERJURIES IN CONTRACTS, AND IN ACTIONS FOUNDED THEREON.

SECTION 1053. No action shall be brought and maintained in any of the following cases:

First: To charge an executor or administrator, upon any special promise to answer damages out of his own estate;

Secondly: To charge any person, upon any special promise to answer for the debt, default or misdoings of another;

Thirdly: To charge any person, upon an agreement made in consideration of marriage;

Fourthly: Upon any contract for the sale of lands, tenements or hereditaments, or of any interest in or concerning them;

Fifthly: Upon any agreement that is not to be performed within one year from the making thereof;

Unless the promise, contract or agreement, upon which such actions shall be brought, or some memorandum or note thereof, shall be in writing, and be signed by the party to be charged therewith, or by some person thereunto by him lawfully authorized.

SECTION 1054. The consideration of any such promise, contract or agreement, need not be set forth, or expressed, in the writing signed by the party to be charged therewith, but may be proved by any other legal evidence.

SECTION 1055. No action shall be brought and maintained, to charge any person upon, or by reason of, any representation or assurance, made concerning the character, conduct, credit, ability, trade or dealings of any other person, unless such representation or assurance shall be made

in writing, and signed by the party to be charged thereby, or by some person, thereunto by him lawfully authorized.

SECTION 1056. No contract for the sale of any goods, wares or merchandise, for the price of one hundred dollars or more, shall be allowed to be good, unless the purchaser shall accept part of the goods, so sold, and actually receive the same, or give something in earnest to bind the bargain, or in part payment, or some note or memorandum, in writing, of the said bargain be made and signed by the party to be charged by such contract, or by his agent, thereunto by him lawfully authorized.

SECTION 1057. When any person, who is bound by a contract in writing to convey any real estate, shall die before making the conveyance, the other party may have a bill in equity in the Supreme Court, to enforce a specific performance of the contract by the heirs, devisees, or by the executor or administrator of the deceased party, such bill to be filed within one year after the grant of administration.

SECTION 1058. The court shall hear and decide every such case, according to the proceedings in chancery, and shall make such decree therein, as justice and equity may require.

SECTION 1059. If it shall appear that the plaintiff is entitled to have a deed of conveyance, the court may authorize and require the executor or administrator of the deceased party, to convey the estate in like manner as the deceased person might and ought to have done, if living; and, if his heirs or devisees, or any of them, are within the kingdom, and competent to act, the court may direct them or any of them, instead of the executor or administrator, to convey the estate in the manner before mentioned, or to join with the executor or administrator in such conveyance.

SECTION 1060. Every conveyance made in pursuance of such decree, shall be effectual to pass the estate contracted for, as fully as if made by the contractor himself.

SECTION 1061. If the defendant in such suit shall neglect or refuse to make a conveyance according to the decree, the court may enter

judgment, that the plaintiff shall recover judgment for possession of the land contracted for, to hold according to the terms of the intended conveyance, and may issue a writ of seizin thereupon; and the plaintiff, by force of said writ, having obtained possession of the premises, shall hold the same in like manner, as if conveyed in pursuance of the decree.

SECTION 1062. The preceding section shall not prevent the court from enforcing their decree, by any other process, according to chancery proceedings.

SECTION 1063. If the person, to whom the conveyance was to be made, shall die before such suit is brought, or before the conveyance is completed, any person, who would be entitled to the estate under him as heir, devisee or otherwise, in case the conveyance had been made according to the contract, may commence such suit, or prosecute it, if commenced; and the conveyance shall thereupon be so made, as to vest the estate in the same persons, who would have been so entitled to it.

SECTION 1064. If the party, to whom any such conveyance was to be made, or those claiming under him, shall not commence a suit, as before provided, and if the heirs of the deceased party are under age, or otherwise incompetent to convey the lands contracted for, the executor or administrator of the deceased may file a bill in equity in the Supreme Court, setting forth the contract and the circumstances of the case, whereupon the court may, by its decree, authorize and require such executor or administrator to convey the estate, in the manner the deceased should have done; and such a conveyance shall be deemed a performance of the contract on the part of the deceased, and sufficient to entitle his heirs, executors or administrators, to demand a performance thereof on his part.

CHAPTER XXI.

OF ATTORNEYS AND COUNSELLORS AT LAW.

SECTION 1065. The Supreme Court shall have power to examine and admit as practitioners in the courts of record, such persons, being Hawaiian subjects, of good moral character, and having taken the prescribed oath of office, as said court may find qualified for that purpose.

SECTION 1066. Said practitioners shall be summarily amenable to the courts of record, and may be fined, imprisoned or dismissed from the roll of practitioners, for satisfactory cause, upon the complaint of any party aggrieved by their mal-practice, or for non-payment of moneys collected by them for private parties, or for any deceit, or other gross misconduct.

SECTION 1067. They shall have the right to practice in all the courts of the kingdom, and to appear therein as attorneys, counsellors, solicitors or proctors, in behalf of third persons who may choose to retain them, for the prosecution or defence of actions, civil, criminal or mixed; and shall be entitled to charge for their services the fees prescribed by law, which being taxed by any judge of the court, shall be added to the judgment and collected for their benefit.

SECTION 1068. No person shall be allowed to practice in any court of record in this kingdom, or before a circuit judge at chambers, unless he shall have been duly licensed so to do by the Supreme Court: provided, that nothing in this chapter contained shall be construed to prevent any person, plaintiff, defendant or accused, from appearing in person before any court, or justice, and there prosecuting or defending his own cause, without the aid of legal counsel.

SECTION 1069. The practitioners so licensed shall have control to judgment and execution, of all suits and defences confided to them: provided, however, that no such practitioner shall have power to compromise, arbitrate and settle such matters confided to him, unless upon special authority in writing from his client.

SECTION 1070. The oath of office to be taken and subscribed by such practitioners, shall be as follows:

SUPREME COURT, H. I.

—— ——, being duly sworn, deposes that he will support the Constitution and Laws of the Hawaiian Islands, and faithfully discharge the duties of attorney, counsellor, solicitor and proctor, in the courts of this kingdom, to the best of his ability.

Such oath shall be taken and subscribed before some judge of a court of record.

SECTION 1071. The license to be given to a practitioner shall be in the following form:

SUPREME COURT, H. I.

—— ——, Esquire, having been examined and found duly qualified, and of good moral character, I do hereby license him to practice in all the Courts of this kingdom as an attorney, counsellor, solicitor and proctor thereof, during good behavior.

Given under my hand and the seal of the Supreme Court, this —— day of ——, 18—.

—— ——,

Chief Justice.

SECTION 1072. The Supreme Court may prescribe terms and periods of study preparatory to the admission of practitioners, and rules for their government in the pursuit of their practice, not inconsistent with any law of the kingdom.

SECTION 1073. A license to practice shall not be necessary to entitle any person to appear, in his own behalf, or for another, in any police or district court.

SECTION 1074. The clerk of the Supreme Court shall exact from every practitioner, upon his receiving a license, an admission fee of ten dollars, for the benefit of the public treasury.

CHAPTER XXII.

OF MASTERS IN CHANCERY.

SECTION 1075. The Supreme Court may appoint a suitable number of persons, besides the clerk of said court, to be masters in chancery, who shall hold office during the pleasure of said court.

SECTION 1076. The several masters in chancery shall take and subscribe an oath for the faithful discharge of the duties of their office, which oath may be administered by any justice of the Supreme Court.

SECTION 1077. They shall perform, under the direction of the Supreme Court, or of any justice thereof, all the duties, which, according to the practice in chancery, appertain to the office, and as shall be assigned to them, and they shall be allowed therefor, such fees as the court shall order.

SECTION 1078. Their fees shall be taxed with the other costs in the cause, and shall be eventually paid by such party, or in such manner, as the court shall order.

SECTION 1079. Every master in chancery shall, upon his appointment, pay to the clerk of the Supreme Court, a fee of ten dollars for the benefit of the public treasury.

CHAPTER XXIII.

OF THE DISTRICT ATTORNEYS.

SECTION 1080. The Justices of the Supreme Court shall appoint a suitable person as district attorney, in each of the respective judicial circuits of the kingdom.

SECTION 1081. Said district attorneys shall, when appointed, take and subscribe an oath of fidelity to the Constitution, and for the faithful discharge of the duties of their office, which oath may be taken and subscribed before any judge of a court of record.

SECTION 1082. They shall severally give bond to the Chief Justice of the Supreme Court, in the penalty of at least one thousand dollars, for the faithful payment into the public treasury, of all moneys and fines by them collected and received for the government, through the courts or otherwise.

SECTION 1083. They shall severally hold office for the term of two years from the date of their appointment, unless sooner removed by the Justices of the Supreme Court.

SECTION 1084. They shall severally reside in the circuits for which they are appointed, and keep offices at the seats of justice for their respective circuits.

SECTION 1085. They shall, within their respective circuits, appear for the crown or government in the Supreme Court, in the Circuit Courts, and when requested by the Sheriff or any Justice, in the police and district courts, in all cases, criminal or civil, in which the crown or *government* may be a party, or be interested.

SECTION 1086. They shall also, within their respective circuits, be vigilant and active in detecting criminals, and all offenders against the revenue laws, or the laws relating to licenses, and prosecute the same with diligence. It shall also be their duty, within their respective circuits, to enforce all bonds, notes or other instruments, that may be placed in their hands for that purpose, by any of the King's ministers, or governors, or by any judicial or executive officer.

SECTION 1087. When any one shall obstruct any street, channel, harbor, wharf, or other highway, or public place, or obstruct or divert any stream or public water course, or commit any trespass or waste on any portion of the public domain, or other government property, as by the cutting down of prohibited trees, or the removal of stone, coral, sand or other property of the government, pertaining thereto, the said district attorneys, within their respective circuits, shall prosecute the offender with diligence, first, however, taking the advice of the governor of their respective circuits, when convenient.

SECTION 1088. The said district attorneys shall, without charge, at all times when called upon, give advice and counsel to the ministers, governors, the marshal, sheriffs, collectors, justices and other public officers, within their respective circuits, in all matters connected with their public duties, and otherwise aid and assist them in every way requisite to enable them to perform those duties faithfully.

SECTION 1089. It shall also be the duty of the said district attorneys to give counsel and aid to the poor and oppressed natives, within their respective circuits, and to assist them in obtaining their just rights, without charge: provided, however, that they shall not be obliged to render such aid, counsel and assistance, unless requested so to do by the King, or by some one of the King's ministers or governors.

SECTION 1090. The said district attorneys, whenever requested so to do by the Chief Justice of the Supreme Court, shall visit the several districts or apanas, or any of them in their respective circuits, and discharge such official duties as may be required of them, relating to the administration of justice.

SECTION 1091. The said district attorneys shall severally, on or before the first Monday of January in each year, make reports to the Chief Justice of the Supreme Court, setting forth particularly the amount and kind of official business done by them respectively, in each circuit, in the year preceding, the number of persons prosecuted, the crimes and misdemeanors for which such prosecutions were had, the results thereof, and the punishments awarded against any person convicted thereon; and generally, they shall present in said reports, plain and particular statements of the criminal business of their respective circuits. To enable them to make such reports, it shall be the duty of the circuit judges, district justices, and other public officers, whenever requested so to do, to furnish them with such information in relation thereto, as they may possess.

SECTION 1092. None of the said district attorneys shall receive any fee or reward from, or in behalf of, any person or prosecutor, for services rendered in any prosecution or business, to which it shall be their official duty to attend; nor be concerned as counsel or attorney for either party, in any civil action depending upon the same state of facts.

SECTION 1093. They shall severally account with the Minister of Finance, every three months, for all fees, bills of costs, fines, penalties, and other moneys received by them by virtue of their offices.

SECTION 1094. The district attorney for the first judicial circuit shall, when required, give his opinion upon questions of law submitted to him by the King, either branch of the Legislature, the Governor of Oahu, or the head of any department.

SECTION 1095. The district attorney for the first judicial circuit shall receive a salary of two thousand dollars a year; and the district attorney of the second circuit, a salary of fifteen hundred dollars. The district attorneys for the third and fourth circuits, shall each receive such compensation as may be determined by the judges of the Supreme Court, which shall be paid to them, severally, out of the public treasury, in equal monthly payments, in full, for all services rendered by them.

CHAPTER XXIV.

OF CONTEMPTS.

SECTION 1096. Every judicial tribunal, acting as such, and every magistrate acting by authority of law in a judicial capacity, may summarily punish persons guilty of contempt, as follows, viz.:

1. The Supreme Court, by imprisonment at hard labor not more than three months, or by fine not exceeding one hundred dollars, or by both such fine and imprisonment in the discretion of the court.

2. Any circuit court, or any court of probate, by imprisonment at hard labor not more than two months, or by fine not exceeding one hundred dollars.

3. Any circuit judge, or police justice, by imprisonment at hard labor not more than thirty days, or by fine not exceeding fifty dollars.

4. Any district justice, coroner, or other person acting in a judicial capacity by authority from any court of record, by imprisonment at hard labor not more than ten days, or by fine not exceeding ten dollars.

SECTION 1097. Persons punished according to the provisions of this chapter, shall also be liable to indictment for the same misconduct, if it be an indictable offense; but the court before which a conviction is had on the indictment, in passing sentence, shall take into consideration the punishment before inflicted.

SECTION 1098. When the contempt consists in the omission or refusal to perform an act which is yet in the power of the party to perform, he may be imprisoned until he have performed it, and in that case the act shall be specified in the warrant of commitment.

CHAPTER XXV.

OF THE PRACTICE OF COURTS OF RECORD.

ARTICLE XLVI.—OF CIVIL SUITS.

SECTION 1099. Every civil action hereafter to be tried in any of the courts of record in this kingdom, shall be commenced by petition, which petition shall be verified by the oath of the plaintiff, or some one on his behalf, deposing to the best of his knowledge and belief.

SECTION 1100. In all suits for the recovery of money upon evidences of indebtedness, or vouchers certain or computable by the court, that is to say: upon promissory notes, bills of exchange, drafts, orders, bonds and other instruments, parol or specialty, the plaintiff in person, or by his attorney, shall file a petition for process, addressed to the Chief Judge or Justice of the court, in substance as follows:

The undersigned claims of —— ——, residing at ——, Island of ——, —— dollars, upon (a note or other evidence of debt, as the case may be) dated ——, payable on ——, with —— interest from ——. Said defendant has neglected and refused to pay the same until this date, (and in case of fraud or concealment, or other collusive or deceptive circumstances attendant upon the contracting or the non-payment of the debt, here insert the same according to the circumstances).

Wherefore, the undersigned asks the process of this court to cite the said defendant to appear and answer this demand.

Dated —— day of ——, 18—.

—— ——,
Plaintiff, or Plaintiff's Attorney.

SECTION 1101. Upon the filing of such petition, in case no fraudulent circumstances be alleged by the plaintiff, the clerk shall issue, under the seal of the court, a summons addressed to the Marshal or his deputy, which may be in the following form:

You are commanded to summon —— ——, defendant, in case he shall file written answer within twenty days after service thereof, to be and appear before the Supreme Court, (or Circuit Court for the —— judicial circuit, as the case may be) at the —— term thereof, to be holden at ——, in the Island of ——, on the —— day of —— next, at —— o'clock A. M, to show cause why the claim of —— ——, plaintiff, should not be awarded to him pursuant to the tenor of his annexed petition. And have you then there this writ with full return of your proceedings thereon.

Witness, —— ——, Esquire,
Chief Justice of the Supreme Court, at Honolulu,
this —— day of ——, A. D. 18—.

(Seal.)

—— ——, Clerk.

SECTION 1102. Every summons issued under the seal of a court of record, shall be served by the Marshal or his deputy, upon the defendant, by the delivery to him of a certified copy thereof, and of the plaintiff's petition, to which petition shall always be annexed a literal copy of the voucher upon which it is predicated, (if any there be,) or in case the defendant cannot be found, by leaving such certified copy with some agent or person transacting the business of the defendant, or at the defendant's last place of residence.

SECTION 1103. If the defendant was never an inhabitant of the kingdom, (but has property situated within the same,) or has removed therefrom, and the fact shall appear by affidavit to the satisfaction of the court, or a judge thereof at chambers, and it shall in like manner appear that a cause of action exists against such defendant, or that he is a necessary or proper party to the action, such court or judge may grant an order, that the service be made by publication of the summons.

SECTION 1104. Such order shall direct the publication to be made in the Government Gazette, for such length of time as may be deemed reasonable, not less than three months. In case the residence of the defendant is known, the court or judge shall, in addition to the publication, direct a copy of the summons and petition to be forthwith deposited in the post-office, addressed to the defendant, at his place of residence. When publication is ordered, personal service of a copy of the summons and petition, out of the kingdom, shall be equivalent to publication and deposit in the post-office. In either case, the service of the

summons shall be deemed complete at the expiration of the time prescribed by the order for publication.

SECTION 1105. It shall be necessary to join as defendants in a civil action, all the joint and several, or joint makers of promissory notes, or drawers of drafts, bills of exchange, or orders, or joint and several obligors, lessees, or parties of the first or second part to covenants, agreements and contracts, in suing for non-payment, non-acceptance, or non-fulfillment thereof, but it shall in no case be necessary to serve all the joint parties sued with process. Service of process upon one of several defendants at law, shall be legal service upon all for the purposes of appearance in court, and judgment may be entered against all such co-defendants thereon: provided, however, that no execution shall issue against the sole property of any joint defendant on whom process was not duly served as aforesaid.

SECTION 1106. It shall be incumbent upon every defendant served with process of summons as hereinbefore provided, within the time specified in the summons or order of publication, to file with the clerk of the court, an answer to the plaintiff's demand, either admitting all the facts stated in the petition to be true, and denying that they are sufficient in law to support the plaintiff's demand, which shall form an issue of law to be determined by the court, or denying the truth of the facts stated in the petition, which shall form an issue of fact to be determined by the jury. After either of these answers, there shall be no further pleading.

SECTION 1107. Under the second answer mentioned in the last preceding section, the defendant may give in evidence, as a defence to any civil action, any matter of law or fact whatever.

SECTION 1108. The respective courts of record shall have power to make such general and special rules, and orders, respecting notice to the opposing party, of matters intended to be given in evidence by either party to a suit, as shall be necessary to prevent surprise, and to afford an opportunity for preparation for trial.

SECTION 1109. In case the defendant does not put in an answer to

the petition as hereinbefore required, the plaintiff may prove service of the summons by personal delivery or otherwise, and default in answering, by the clerk's certificate, and shall thereupon be entitled to demand and receive of the court, or a judge at chambers, an order declaring the defendant in default, and authorizing the clerk, if the demand be upon a promissory note or any other voucher contemplated by section 1100, to assess the amount of the plaintiff's claim, principal, damages and interest, and to enter up judgment therefor and for the costs.

SECTION 1110. In actions where the service of the summons was by publication, the plaintiff, upon the expiration of the time designated in the order of publication, may, upon proof of the publication, and that no answer has been filed, apply for judgment; and the court or judge at chambers shall thereupon require proof to be made of the demand mentioned in the complaint, and shall require the plaintiff or his agent to be examined on oath, respecting any payments that may have been made to the plaintiff, or to any one for his use, on account of such demand, and may render judgment for the amount which he is entitled to recover.

SECTION 1111. In case the defendant shall put in an answer denying the truth of the facts set forth in the plaintiff's petition, which answer shall be called the general issue, the clerk shall enroll the cause upon the calendar of civil causes triable in the court in which the action was commenced.

SECTION 1112. In case the defendant shall put in an answer admitting the facts stated in the petition to be true, and denying that they are sufficient in law to support the plaintiff's demand, which answer shall be called a demurrer, the plaintiff shall join therein within twenty days on pain of being defaulted, and may apply to a judge at chambers for a hearing and decision of the issue.

SECTION 1113. The judge so applied to shall have power to cite the defendant, appoint a day for argument, cite witnesses to prove collateral facts involved, and to decide the issue, subject to exceptions by either party.

SECTION 1114. If either party take exception to the decision of the

judge at chambers, the cause may be placed upon the calendar of motions, with the decision of the judge at chambers, to be re-considered by the court in term time, at the cost of the party losing.

SECTION 1115. If no exceptions be taken at chambers to the judge's decision of a question of law, and no question of fact remains to be decided at the term, the judge shall make an order to the clerk to enter up the judgment awarded by him upon the issue, which shall be valid, subject to an appeal to the court in *banco*.

ACTIONS UPON UNLIQUIDATED DEMANDS, &c.

SECTION 1116. In all civil cases involving unliquidated demands constructive, implied, suppositious or hypothetical right on the part of the government, or of any private person, corporation or other party, being plaintiff, to recover money or damages pursuant to the words, or the spirit or intent of any law heretofore, now, or hereafter to be passed, or of any instrument in writing signed by any party, or of any verbal understanding, contract or agreement, or in consequence of any injury direct or consequential to the party plaintiff, or to his property, real or personal, or to his character, or his feelings, the plaintiff in person, or by attorney, shall file with the clerk of the court, a petition for process, in substance as follows:

The undersigned claims of —— ——, defendant, residing at ——, Island of ——, the sum of —— dollars, for damages resulting to him (or as the case may be) for injury done by said defendant to (the person, the property, the character or the feelings of the plaintiff, as the case may be) in that the defendant did (here set forth the cause and the manner in which the injury was done, circumstantially with the view to proof) which the plaintiff alleges was done in contravention of his private rights under the laws.

Wherefore the undersigned asks the process of this court, to cite the said defendant to appear and answer this his complaint before a jury of the country, at the —— term of this court, unless otherwise sooner disposed of by judicial authority.

SECTION 1117. In all cases contemplated by the last preceding section, the plaintiff may, according to circumstances, include in his petition,

an allegation that the defendant is secreting his property, or disposing of the same, or colluding so to do, or is about to depart the kingdom, or is damaging or wasting the said property, and thereupon ask for process of attachment, or injunction, or personal arrest, against the defendant, as such plaintiff may judge proper to ask in the premises.

SECTION 1118. In actions to recover at law any specific property, real or personal, or any specific share or interest, or right to property, real or personal in kind, as in cases of replevin, or of ejectment, the plaintiff in person, or by attorney, shall file with the clerk of the court, a petition for process, which may be in the following form:

The undersigned complains of —— ——, defendant, residing at ———, Island of ——, that he has unjustly, and contrary to law and the rights of the plaintiff, taken into his possession and converted to his use, (or occupation, as the case may be) the following property, viz.: (here set forth the property wrongfully in the defendant's possession, whether real or personal, and if personal, the articles by name or description, and if real, the metes, bounds, quantity and locality thereof, with the kind of title claimed by the plaintiff) valued at —— dollars, or if in ejectment, state in lieu of the value, to the damage of said plaintiff —— dollars.

Wherefore, the plaintiff asks the process of this court, to cite the said defendant to appear and answer this complaint before a jury of the country, at the —— term of this court, unless sooner disposed of by judicial authority, and that the plaintiff may have restitution of said property, with damages for its detention (or as the case may be.)

SECTION 1119. In cases of ejectment, under the last preceding section, the plaintiff may, according to circumstances, allege in his petition, that there is danger the defendant or some one for him, will commit destruction of tenements or other property, on the premises in controversy, *pendente lite*, and thereupon ask for process of injunction, or other restraining process of the court, as such plaintiff may judge proper to ask.

SECTION 1120. In every such case, in which process of constraint to the person or property of a defendant is prayed for, no such process shall issue until the plaintiff or some one on his behalf, shall have filed a bond conditioned for the reimbursement to the defendant of all costs, charges and damages sustained by him in consequence of the suit, in case the plaintiff fail to sustain his action. Upon the filing of the peti-

tion and bond, any judge of the court at chambers, may sanction a constraining writ, by endorsing thereon his written allowance, without which no executive judicial officer shall be justified in the seizure, constraint, restraint or commitment of a defendant, or in the seizure, attachment, removal, detention or injunction of his property, real or personal.

SECTION 1121. If the judge deem it proper that the defendant, or any of several defendants, should be heard before granting an injunction, he may grant an order requiring cause to be shown, at a specified time and place, why the injunction should not be granted; and the defendant may, in the mean time be restrained.

SECTION 1122. In case the petition contains no prayer for contraining process, the clerk shall issue a summons, addressed to the Marshal or his deputy, which may be in the following form:

You are commanded to summon —— ——, defendant, in case he shall file written answer within twenty days after service thereof, to be and appear before the Supreme Court, (or Circuit Court for the —— judicial circuit) at the —— term thereof, to be holden at ——, on the —— day of —— next, at —— o'clock A. M, to show cause why the claim of —— ——, plaintiff, should not be awarded to him pursuant to the tenor of his annexed petition. And have you then there this writ with full return of your proceedings thereon.

Witness, —— ——, Esquire,
Chief Justice of the Supreme Court, at Honolulu,
this —— day of ——, 18—.

(Seal.)

—— ——, Clerk.

SECTION 1123. In case the petition contains a prayer for process of constraint against the defendant, or his property, and the plaintiff has filed with the clerk a bond as prescribed in section 1120, approved by a judge at chambers, and the judge has allowed the constraining process, the clerk may issue a summons in the form prescribed in the last preceding section, with an additional clause after the words "annexed petition," as follows:

And you are further commanded to arrest the said defendant and commit him to prison, unless he shall give bond to answer as aforesaid, (or to attach and keep safely the said personal property until judgment of restitution be awarded or refused)

(or to enjoin the said defendant under penalty of ——— dollars, not to sell mortgage, lease or rent the said real property, lands and tenements, until the dissolution of such injunction by competent judicial authority.)

SECTION 1124. In all cases of attachment, sequestration or injunction of real property, the officer serving the writ shall, in addition to personal delivery of a copy thereof to the defendant, post upon the premises a copy of the process, and a notice of the day and hour when attached, sequestrated or enjoined, and shall also give notice thereof in the Government Gazette. All after-leases, mortgages, sales, bequests, assignments, trust or other conveyances of said property, until the dissolution of the process, shall be void in law as against the plaintiff in such cases.

SECTION 1125. All persons residing or being in this kingdom shall be personally responsible in damages, for trespass or injury, whether direct or consequential, to the person or property of others, or to their wives, children under majority, or wards, by such offending party, or by his wife, or his child under majority, or by his command, or by his animals, *domitæ* or *feræ naturæ;* and the party aggrieved may prosecute therefor in the proper courts.

SECTION 1126. Upon failure of any party defendant, after having been served with the process prescribed in sections 1101 and 1122, to answer the complaint within twenty days after service, the plaintiff in the action, upon proof to a judge at chambers, shall be entitled to an order for judgment by default, debarring the defendant from the right to answer. The judge or the court, shall have power, however, to open the default, in their discretion, for good and sufficient reasons.

SECTION 1127. The clerk shall, after such default, enter the cause upon the calendar of assessments to be made *ex parte* at the term, upon sole adduction of plaintiff's evidence, without admitting the defendant to rebut the same: provided, however, that the defendant may in person, or by counsel, cross examine the plaintiff's witnesses, and address the jury in mitigation of damages.

SECTION 1128. The measure of damages in all cases contemplated by section 1116, shall be according to the true legal interpretation of the court upon the law, instrument, contract or agreement; and in all cases

of injury, direct or consequential, to the plaintiff in person, or his wife, child or servant, or to his, her or their character or feelings, or to his property, real or personal, the measure of damages shall be determined by the jury.

SECTION 1129. In actions of ejectment to enforce the right of possession of lands, it shall be sufficient to serve the party in actual possession thereof, though he be not the adverse claimant, or if no one be in actual possession at the time, to post a copy of the process, and notice to the party claiming adversely, in some conspicuous place upon the premises, at least thirty days before the first day of the term of the court at which the case is to be tried.

SECTION 1130. Issues of fact arising in any suit, contemplated by sections 1100 and 1116, shall be tried by a jury, unless a jury trial be waived by the parties with the consent of the court.

TRIAL BY REFEREES.

SECTION 1131. In all cases of complication, and in cases involving long accounts, the court may, upon the written application of either party showing satisfactory cause, or of its own motion, appoint competent referees, as provided in section 841, to hear and decide upon the facts and merits of the case, reporting their decision to the court: provided, however, that this provision shall not extend to any case contemplated by sections 1116 and 1118.

SECTION 1132. Referees so appointed shall be sworn to the faithful and speedy investigation of, and to an honest award upon, the matters submitted to them. All persons residing for the time being within the jurisdiction of the court, and liable to serve as jurors, shall be liable to serve as referees upon appointment.

SECTION 1133. Either party may take exception to the decision of

the referees, upon a question of law, and it shall be the duty of the referees to note such exception.

SECTION 1134. The report of referees in any cause shall be signed by them, or a majority of them. They shall file it with the clerk of the court by whom they were appointed, and such clerk shall notify the parties.

SECTION 1135. The party in whose favor the report shall have been made, shall, within ten days after being notified by the clerk, move the court, or a judge at chambers, giving at least forty-eight hours notice of such motion to the opposite party, for judgment of confirmation, which the court or judge shall grant or refuse upon hearing the parties, or upon default of the opposite party to appear, after proper notice of such motion.

SECTION 1136. Either party may except to the decision of a judge at chambers upon the report of referees, file the grounds of his exception with the clerk of the court in arrest of judgment, and require such decision to be reported to the court upon the calendar of motions, for reconsideration. If confirmation be awarded or refused by a circuit court, either party may except and take an appeal to the Supreme Court, upon filing his exceptions with the clerk of the circuit court in arrest of judgment, within five days after the rendition of its decision.

TRIAL BY THE COURT.

SECTION 1137. The parties to a civil suit may, with the consent of the court waive the right to a trial by jury, either by written consent, or by oral consent in open court entered on the minutes.

SECTION 1138. In such case the court shall hear and decide the cause, both as to the facts and the law, and its decision shall be rendered

in writing. If the taking of an account be necessary to enable the court to complete its judgment, a reference may be ordered for that purpose.

SECTION 1139. Any party deeming himself aggrieved by the decision of a circuit court, on a question of law, in any such case, may appeal therefrom to the Supreme Court, upon filing written notice of such appeal with the clerk of the circuit court, within five days after the rendition of its decision.

SUBMITTING A CASE WITHOUT ACTION.

SECTION 1140. Parties to a question in difference, which might be the subject of a civil action in the Supreme Court, may, without action, agree upon a case containing the facts upon which the controversy depends, and present a submission of the same to the Justices of the Supreme Court, either in term time or in vacation. But it must appear by affidavit, that the controversy is real, and the proceedings in good faith, to determine the rights of the parties.

SECTION 1141. The justices, or a majority of them, shall thereupon hear and determine the case, and render judgment thereon, in writing, as if an action were depending.

SECTION 1142. Judgment shall be entered in such case, as in ordinary civil actions. The case, the submission, and the written decision, shall constitute the record.

SECTION 1143. The judgment shall be final, and may be enforced in the same manner as if it had been rendered in an action.

UNITING SEVERAL CAUSES OF ACTION.

SECTION 1144. The plaintiff in a civil suit may unite several causes of action in the same complaint, when they all arise out of:

1. Contracts, express or implied; or,

2. Claims to recover specific real property, with or without damages, for the withholding thereof, or for waste committed thereon, and the rents and profits of the same; or,

3. Claims to recover specific personal property, with or without damages for withholding thereof; or,

4. Claims against a trustee, by virtue of a contract, or by operation of law; or,

5. Injuries to character; or,

6. Injuries to the person; or,

7. Injuries to property. But the causes of action so united shall all belong to one only of these classes, and shall affect all the parties to the action, and shall be separately stated.

AMENDMENTS.

SECTION 1145. Whenever a plaintiff in any action shall have mistaken the form of action suited to his claim, the court, on motion, shall permit amendments to be made on such terms as it shall adjudge reasonable; and the court may, in furtherance of justice and on the like terms, allow any petition or other pleading to be amended in any matter of mere form, or by adding or striking out the name of any party, or by correcting a mistake in the name of a party, or a mistake in any other respect.

SET-OFF, AND TENDER.

SECTION 1146. It shall be competent to the defendant in any civil action to plead an offset of like kind and denomination, existing in the same right, between him and the plaintiff, or having made a legal tender of money in full payment of the plaintiff's demand, to plead such tender, and bring the amount thereof into court in bar of further interest and costs, after such tender.

SECTION 1147. If the demand set off is founded on a bond or other contract having a penalty, no more shall be set off than the sum equitably due.

SECTION 1148. If there are several plaintiffs, the demand set off, shall be due from them all jointly; if there are several defendants, the demand set off, shall be due to them all jointly, except as is provided in the following section.

SECTION 1149. When the person with whom a contract is made, has a dormant partner, and a suit is brought on such contract, by or against the partners jointly, any debt, due to or from the person with whom the contract was made, may be set off in like manner, as if such dormant partner had not been joined in the suit.

SECTION 1150. When an action is brought by one person in trust, or for the use of another, the defendant may set off any demand against the person, for whose use or benefit the action is brought, in like manner as if that person were the plaintiff in the suit.

SECTION 1151. The plaintiff shall be entitled to every ground of defence against such set off, of which he might have availed himself, in an action brought against him on the same ground.

SECTION 1152. The statute limiting personal actions, if applicable to

the set off, shall be applied in the same manner, as if an action thereon had been commenced at the time when the plaintiff's action was commenced.

DEPOSIT IN COURT, &c.

SECTION 1153. When it is admitted, by the pleading or examination of a party, that he has in his possession, or under his control, any money, or other thing, capable of delivery, which, being the subject of the litigation, is held by him as trustee for another party, or which belongs, or is due, to another party, the court may order the same, upon motion, to be deposited in court, or delivered to such party, upon such conditions as may be just, subject to the further direction of the court.

SECTION 1154. Whenever in the exercise of its authority, a court shall have ordered the deposit or delivery of money or other thing, and the order is disobeyed, the court, besides punishing the disobedience, may make an order requiring the Marshal, or any of his deputies, to take the money or thing, and deposit or deliver it in conformity with the direction of the court.

JUDGMENT AND EXECUTION.

SECTION 1155. Judgment shall be entered by the clerk, without motion, immediately upon the rendition of a verdict, or of a judgment of the court in *banco*, or of a judge at chambers, and execution may issue thereon at any time thereafter, when called for, unless notice is given at the time of rendering the verdict, or judgment, of a motion for a new trial and the filing of a bill of exceptions and bond, as provided by statute, within ten days after the rendition of such verdict or judgment: provided, that execution may issue within ten days, even though such notice be given, when good and sufficient cause can be shown therefor. The provisions of this section shall not affect the right of appeal.

NEW TRIAL.

SECTION 1156. Any party against whom a verdict or judgment is rendered, as set forth in the last preceding section, may, upon filing a sufficient bond of security, conditioned for the payment of all costs of motion in case he fail to sustain the same, and that he will not to the detriment of the plaintiff in the action, remove or otherwise dispose of any property he may have liable to execution on such judgment, and upon giving notice of said motion and the grounds thereof to the opposite party, move the court at any time within ten days after rendition of verdict or judgment, for a new trial, for any cause for which by law a new trial may and ought to be granted. The filing of the bill of exceptions and bond shall operate as a stay of execution, until the motion is determined.

WRIT OF ERROR.

SECTION 1157. Any party deeming himself aggrieved by the decision of a police justice, or of a circuit judge at chambers, or of a circuit court in *banco*, or of any Justice of the Supreme Court, or by the verdict of a jury in any civil suit, may at any time before the execution thereon is fully satisfied, within six months after the rendition of judgment, file with the clerk of the Supreme Court, his reasons for deeming himself aggrieved, assigning the causes of error, in such decision or verdict.

SECTION 1158. Such party may, upon service of copy of such assignment of errors, and tender of error bond of security, conditioned for the payment of costs in case he fail to sustain his application, and that he will not to the detriment of the adverse party, remove or otherwise dispose of any property he may have liable to execution on the judgment, and upon at least ten days notice to the adverse party or his counsel, apply to any Justice of the Supreme Court, for a writ of error to be

issued to the court below, or to the clerk of the Supreme Court, as the case may be, commanding such court or clerk to certify up the record and proceedings had in the cause, that the errors assigned may be corrected.

SECTION 1159. Upon the return of the writ with the record sent up, the Supreme Court may grant an order to the adverse party to join in error on pain of reversal of the former judgment; and, after hearing the parties, or such of them as may attend for that purpose, shall thereupon give judgment, either affirming or reversing, or modifying the former judgment, or remanding the cause for a new trial.

SECTION 1160. Every writ of error shall operate as a stay of execution, before the actual sale of property and satisfaction of judgment, and no executive judicial officer shall, after notice, proceed to satisfy any execution the judgment in regard to which has been removed by writ of error: provided, that such stay shall not release property under actual levy at the time, if the former judgment be affirmed by the Supreme Court.

MISCELLANEOUS PROVISIONS.

SECTION 1161. The several courts of record may, from time to time, make such rules as they may deem necessary, for the guidance of their respective clerks in making up calendars of the causes, civil and criminal, coming on for trial in said courts.

SECTION 1162. Causes placed upon the calendar shall be taken up and disposed of in the order in which they stand, unless postponed by the court at the request of the plaintiff or the defendant.

SECTION 1163. When a cause is reached upon the calendar, the plaintiff shall be called by the clerk, and if the plaintiff be not present, nor represented by counsel who is present, or if he or his counsel being present, decline to answer when so called, he may be declared non-suit

with costs. If, upon calling the plaintiff, he does appear, and the defendant having joined issue does not appear, or answer when called, the court may order judgment by default to be entered against such defendant, and allow the plaintiff to proceed *ex parte* before the court or jury, and the verdict of the jury or decision of the court, shall be rendered on such *ex parte* showing, unless good cause appear to the court for postponing the case.

SECTION 1164. At the trial of every civil suit, the plaintiff shall have the right to open the case, and first to introduce his witnesses and vouchers, and he shall also have the right to sum up the entire evidence, and close the debate after the defendant has fully ceased. The defendant may cross-examine the plaintiff's witnesses, and he shall have the right to introduce his witnesses of defence, when the plaintiff has rested his cause. The plaintiff may, in turn, cross-examine the defendant's witnesses. When all the evidence has closed, the defendant shall sum up his defence to the court or jury: provided, that the Justices of the Supreme Court may, by standing rule, modify the application of the foregoing provisions, should it appear expedient to do so.

SECTION 1165. Whenever two or more actions are pending at one time between the same parties, and in the same court, upon causes of action which might have been joined, the court may order the actions to be consolidated into one.

SECTION 1166. The time within which an act is to be done, as provided in any part of this chapter, shall be computed by excluding the first day, and including the last. If the last day be Sunday, it shall be excluded.

SECTION 1167. When a cause of action has arisen in any foreign country, and by the laws thereof an action thereon cannot there be maintained against a person, by reason of the lapse of time, an action thereon shall not be maintained against him in this kingdom, except in favor of a domiciled resident thereof, who has held the cause of action from the time it accrued.

ARTICLE XLVII.—OF CRIMINAL PROSECUTIONS.

SECTION 1168. In all offenses against the laws of this kingdom, triable only by a court of record, the offender shall be arraigned and prosecuted by indictment, by the legal prosecutor of the crown, at the ensuing term of the court having jurisdiction of the offense, unless the trial be postponed by the court, at the request of the party accused, or to afford reasonable time to obtain evidence on behalf of the prosecution.

SECTION 1169. The necessary bills of indictment shall be prepared by the district attorney of each judicial circuit, respectively, and it shall be his duty to present such bills of indictment to the presiding judge of the court, before the opening of the term, and such judge shall, after examination, certify upon each bill of indictment, whether he finds the same to be a true bill or not.

SECTION 1170. The district attorney shall furnish to the clerk of the court, at least three days before the first day of the term, a list of all criminal cases triable by jury at such term, that the calendar may be made up.

SECTION 1171. Any person indicted for a crime punishable with death, shall, on demand upon the clerk, by himself or his counsel, have a list of the jurors returned delivered to him, and shall also have process to summon such witnesses as are necessary to his defence.

SECTION 1172. In all cases in which the party accused is unable to employ counsel for his defence, the court may assign him counsel from among the licensed practitioners, who shall use every lawful exertion in his behalf, without fee or reward, upon pain of contempt to the court.

SECTION 1173. Every native Hawaiian, arraigned upon indictment

for any offense shall, on demand upon the district attorney, be furnished with a copy of the indictment in the Hawaiian language.

SECTION 1174. The indictment shall be read aloud to the accused party, in open court, and after the reading thereof, the presiding judge shall call upon him to plead thereto, either guilty or not guilty. If the plea be guilty, the clerk shall enter the same of record, and no jury shall be necessary in the case; but if the plea be not guilty, a jury shall be empanneled as prescribed by law. If the plea be guilty of the facts alleged in the indictment, but denying that these facts constitute the offense charged, there shall be no jury trial, but a trial on debate, at the bar of the court, upon the law involved.

SECTION 1175. The prosecuting attorney shall open the case, and first introduce his witnesses and proofs, and after the evidence for the defence has been presented, and the accused, or his counsel, has summed up and closed his case, the prosecuting attorney shall have the right to sum up the entire evidence and close the debate.

SECTION 1176. Under an indictment for robbery, larceny, or any other offense, of more than one degree, the jury may, when the evidence will not warrant a verdict of guilty in the degree for which the prisoner is indicted, return a verdict for any lesser degree of the same offense.

SECTION 1177. The verdict of the jury, or the decision of the court, as the case may be, shall, subject to arrest of judgment, found the sentence to be passed in open court by either of the justices, pursuant to the penalties of the law charged and found to have been violated, subject to the executive clemency, or to a motion in arrest of execution for cause.

SECTION 1178. The failure to prosecute upon the indictment, if found, at the ensuing term of the court, unless the venue be changed, or unless the cause be postponed by the court, or a failure to sustain the indictment upon the law involved, or a verdict of not guilty by the jury, or the successive disagreement of two juries impanneled to try the cause, shall operate as an acquittal of the accused, and the court shall order his discharge from custody, subject, however, to the provisions of the next succeeding section.

SECTION 1179. If a bill of indictment is not found against an accused person, by reason of his insanity; or if an accused person is tried upon indictment, and acquitted by the jury on the ground of his insanity; and thereupon, if the discharge or going at large of such person shall be deemed dangerous to the peace or safety of the community, the court may order his confinement in the custody of the Marshal.

SECTION 1180. Any judge of a court of record may, for cause shown to his satisfaction, respite any convicted criminal for any length of time sufficient for the purposes of mercy, or not to work injury to innocent third parties.

SECTION 1181. No person at the time insane, and no woman at the time quick with child, shall suffer capital punishment; neither shall any child suffer such punishment, who has not evinced a knowledge of the distinction between right and wrong.

SECTION 1182. In all cases in which the law of this kingdom awards the punishment of death, there shall always intervene at least forty-eight hours between the conviction and the sentence; and at least fourteen days between the sentence and the execution.

SECTION 1183. The Marshal, or some one deputed by him, shall inflict the punishment of death, by hanging the criminal by the neck until fully dead, when the body shall be disposed of pursuant to the direction of the court. No capital punishment shall be so inflicted until the warrant for that purpose be signed by the King, and attested by the Kuhina Nui; nor shall such punishment be inflicted after His Majesty's pardon.

SECTION 1184. In all criminal cases when the punishment is less than capital, the court before whom the conviction is had shall proceed as soon thereafter as may be, to pass sentence according to law, which sentence shall be recorded by the clerk, and certified to the Marshal, or his deputy, in the order for imprisonment, or other punishment, as the case may be.

ARTICLE XLVIII.—OF JURIES, AND OF TRIAL BY JURY.

SECTION 1185. It shall be the duty of each of the governors, respectively, in concert with some judge of a court of record, to prepare, annually, in the month of January, a list of the names of one hundred persons, being native Hawaiians, residing within their respective gubernatorial divisions, who, in the opinion of such governor and judge, are competent to serve as jurors.

SECTION 1186. Each list shall be signed by the governor and judge preparing the same, and sent to the clerk of the Supreme Court at Honolulu, who shall write each name contained in such list on a separate piece of paper, and deposit the same in appropriate boxes to be kept by him for that purpose.

SECTION 1187. The clerk of the Supreme Court shall, at least twenty days before any term of the circuit court, for the second, third and fourth judicial circuits, or of any term of the Circuit or Supreme Court in the first judicial circuit, at which there may be cases coming on for trial, in which both or either of the parties are native Hawaiians, in the presence of one of the Justices of the Supreme Court, and the Marshal, or the Sheriff of Oahu, draw from the appropriate box the names of twenty-four native jurors, who shall be summoned to serve at the ensuing term of such court, in the cases above mentioned.

SECTION 1188. It shall be the duty of the Governor of Oahu, and the Governor of Maui, respectively, in concert with some judge of a court of record, to prepare semi-annually, in the months of March and September, a list of the names of fifty persons residing within their respective gubernatorial divisions, being foreigners by birth, or of foreign parentage, who are competent, in the opinion of such governor and judge, to serve as jurors.

SECTION 1189. The lists of names provided for in the last preceding section, shall be signed and sent to the clerk of the Supreme Court, and by him disposed of in the manner prescribed in section 1186, in relation to lists of native jurors.

SECTION 1190. The clerk of the Supreme Court shall, at least twenty days before any term of the circuit court for the second judicial circuit, or of the Circuit or Supreme Court in the first judicial circuit, at which there may be cases coming on for trial, in which both or either of the parties is a foreigner by birth, in the presence of one of the Justices of the Supreme Court, and the Marshal, or the Sheriff of Oahu, draw from the appropriate box the names of thirty-six foreign jurors, who shall be summoned to serve at the ensuing term of such court, in the cases above mentioned.

SECTION 1191. Whenever it may be necessary or proper, for the trial of any cause in the circuit court for the third or fourth judicial circuits, to have a jury composed wholly or in part of foreigners, the presiding judge of such circuit court, for the time being, shall summon, from among the foreigners residing within such circuit, a sufficient number of persons to act as jurors in such case.

SECTION 1192. It shall be the duty of the clerks of the several courts of record, respectively, at least twenty days before any term of such court, at which there may be any criminal case or cases coming on for trial, in which any accused party is an alien foreigner, to send a letter (upon the request of the accused party, or his counsel) to the nearest consul, or vice-consul, of the nation to which such accused party belongs, if any there be within the kingdom, requesting him, on or before the tenth day from the date of said letter, to propose the names of thirty-six persons, residing within the circuit, for the acceptance of the Hawaiian Government, as jurors from which may be drawn a jury for the trial of such accused person or persons.

SECTION 1193. The clerks of the several courts of record, so far as the acceptance of such persons as jurors is concerned, are empowered to act for and on behalf of the government, within their respective circuits.

SECTION 1194. In case of the refusal or neglect of such consul, or vice-consul, to propose said jurors within ten days after the date of such request, such refusal or neglect shall be considered as a proposal on the part of said consul or vice-consul, that the jury for the trial of such accused person, or persons, shall be drawn from the array of jurors for the trial of civil cases in which any foreigner is a party.

SECTION 1195. When a list of thirty-six persons shall be duly proposed by such consul or vice-consul, and accepted by said clerk, their names shall be certified to the Marshal, or his deputy, who shall summon them to attend upon the court as jurors for the trial of such accused person or persons.

SECTION 1196. In all civil cases in which one party is a native Hawaiian, and the other a foreigner, (alien or naturalized,) the jury shall be composed of an equal number of natives and foreigners, who shall be drawn alternately from the boxes containing the names of such natives and foreigners, as have been summoned to attend the court as jurors in such cases: provided, always, that either party, with the consent of the other, may waive his right to a mixed jury.

SECTION 1197. All native Hawaiians, accused of any crime, shall be tried by a jury composed entirely of natives; and all naturalized foreigners, by a jury composed entirely of foreigners, who shall be drawn from the array of native and foreign jurors, respectively, returned to serve at the term.

SECTION 1198. At the trial of any case requiring a jury, in the Supreme Court, or in any Circuit Court, the clerk of the court shall draw such jury, to the number of twelve, from the box or boxes containing the names of such persons as have been duly summoned to attend as jurors; and if any of the said twelve be challenged and set aside, he shall continue to draw from said box or boxes until twelve impartial jurors are obtained, when they shall be sworn as the jurors for the trial of such cause.

SECTION 1199. Whenever a sufficient number of jurors duly summoned, do not appear, or cannot be obtained to form a jury, the court

may order the Marshal, or his deputy, to summon from among the bystanders, or from the circuit at large, so many persons qualified to serve as jurors, as shall be sufficient.

SECTION 1200. The Marshal, or his deputy, shall summon the number so ordered, and return their names into court. Every person so summoned shall attend forthwith and serve as a juror, unless excused by the court; and for every neglect or refusal so to attend, shall be answerable to the court in the same manner as jurors regularly summoned as hereinbefore provided. The persons as summoned shall be subject to challenge as other jurors.

SECTION 1201. Every person arraigned and put on his trial for any offense punishable with death, shall be entitled peremptorily to challenge ten of the persons drawn as jurors for such trial, and no more.

SECTION 1202. In all cases, civil or criminal, either party may challenge any juror drawn for such trial, for cause to be assigned to the presiding judge, who may determine the validity of the objection urged against the competency of such juror, or submit the question to the determination of three triors to be appointed by him.

SECTION 1203. No jury, for the trial of any case, civil or criminal, shall be less than twelve in number; but when nine of such jury shall agree upon a verdict, they may render the same, and such verdict shall be as valid and binding upon the parties as if rendered by all twelve.

SECTION 1204. Whenever any jury shall return into court, and state that they cannot agree upon a verdict, the court may, in its discretion, discharge such jury, or remand them to the jury-room for further deliberation.

SECTION 1205. The Chief Justice of the Supreme Court shall have power, in any intricate case, or case involving artistical or professional knowledge, or skill, pending in such court, upon the application of either party, to summon the adverse party to appear and show cause, if any he has, why a special jury should not be struck for the trial of such case.

SECTION 1206. If the adverse party do not appear in obedience to

the summons, or, appearing, fail to assign any satisfactory cause to the contrary, and the Chief Justice shall be of the opinion that the ends of justice will be best reached by such a jury, he may order a special jury to be struck.

SECTION 1207. Special juries shall be struck in the following manner: The Chief Justice shall appoint a time and place for striking the jury, at which the party applying for such jury shall notify the adverse party to attend. The clerk of the Supreme Court shall, at the time and place appointed, draw off a full list of the names of the jurors last furnished him for the trial of civil cases, (native, foreign or mixed, as the case may be,) when the parties in person, or by attorney, beginning with the plaintiff, shall alternately strike off from said list, one name, until only twelve names remain on the list; and those twelve shall constitute the jury to try the particular cause for which they were struck. If either party shall fail to attend at the time and place of striking such jury, or shall neglect to strike out any names according to the foregoing provisions, the clerk shall strike for him.

SECTION 1208. The twelve jurors chosen as provided in the last preceding section, shall be summoned in like manner as other jurors, and shall be in like manner answerable to the court for non-attendance. They shall not be liable to challenge for any cause whatever.

SECTION 1209. The expense of striking a special jury shall be paid by the party applying for the same, and shall not be taxed in the costs of the suit.

SECTION 1210. It shall be the duty of the clerk of the Supreme Court to certify to the Marshal, or his deputy, the names of all jurors, both native and foreign, who are drawn to serve at any term of the Supreme Court, or of any Circuit Court, as provided in sections 1187 and 1190, in order that such jurors may be duly summoned. Said clerk shall also publish the names of such jurors in the Government Gazette, for public information.

SECTION 1211. Every such juror, if duly summoned at least forty-eight hours previous to the holding of the court, shall be punishable for

non-attendance, by fine not exceeding one hundred dollars, in the discretion of the court, for each day that he fails to attend without reasonable cause; and he may be brought up by summary attachment for that purpose.

ARTICLE XLIX.—OF WITNESSES AND EVIDENCE.

SECTION 1212. The clerks of the several courts of record shall issue to the district attorney, and to any party plaintiff or defendant in any cause, civil or criminal, depending before said courts, respectively, or to the counsel of such party, writs of subpœna for witnesses, in blank, that the names of the witnesses to be summoned may be inserted after the issuing of such writ.

SECTION 1213. Such writs of subpœna shall be signed by the clerk, and impressed with the seal of the court, and shall be obligatory upon the Marshal and his deputies, and upon the parties actually served therewith.

SECTION 1214. Upon non-attendance of witnesses duly summoned, the service of the writ being proved by the oath of the officer who served the same, the court shall have summary power to cause their attendance, and to punish them for contempt.

SECTION 1215. The several district attorneys may require of any judge of a court of record, at chambers, that witnesses material to the prosecution of any criminal indictment preferred, or about to be preferred, be bound by recognizance, to appear and testify at the trial of such indictment, or that such witnesses be committed to jail for that purpose, and the judge so applied to shall have power so to do.

SECTION 1216. No person shall be bound to attend as a witness upon the trial of any civil cause, in any court of record, unless his traveling

fees be paid, or tendered to him at the time of the service of the subpœna.

SECTION 1217. Witnesses in criminal cases, whether for the prosecution or the defense, shall not be entitled to any fees.

SECTION 1218. No person shall hereafter be disqualified from giving evidence in any civil suit, in any court of this kingdom, on the ground of his being interested in the result of such suit: provided, always, that the plaintiff or defendant of record, or the real plaintiff or defendant in interest, shall not be allowed to testify in his own behalf.

SECTION 1219. In any criminal case tried before any court of this kingdom, the husband or wife of the party accused shall be a competent witness for the defense.

SECTION 1220. No person who shall have been duly convicted, in this kingdom, of the crime of murder in either degree, of sodomy, of arson, of perjury or subornation of perjury, or of forgery, shall be a competent witness for another in any civil suit or proceeding: provided, however, that a conviction for any offense other than perjury, or subornation of perjury, shall not disqualify the person convicted from testifying in any criminal cause.

COMMISSIONS TO TAKE TESTIMONY.

SECTION 1221. Either party to a cause pending in any court of record, may move such court, or a judge thereof at chambers, upon sworn petition showing the absence of a material witness, for a commission to take the testimony of the same, whether residing in a foreign country, or in some other circuit than that in which the cause is pending.

SECTION 1222. The party applying for such commission, shall file

his interrogatories with his sworn petition, and shall suggest for the consideration of the court, or judge, suitable persons being disinterested and impartial, to execute the commission; he shall also serve copy of his petition, recommendations and interrogatories, upon the adverse party, and the court, or judge, may grant or refuse his motion, after hearing any objections which may be urged against it.

SECTION 1223. If the motion is granted, the court or judge may make an order upon the adverse party, requiring him to file his cross-interrogatories within a given time, or be precluded from the right to cross-examine the witness. If the interrogatories be crossed, or if the adverse party neglect or refuse to cross them pursuant to order, the court or judge may issue the commission, appending thereto the interrogatories, and direct the commissioners to cite, and with the aid of the local authorities, to compel the attendance and deposition on oath of the witnesses named therein.

SECTION 1224. No such commissioner shall be authorized to put any other question to a witness than those appended to the commission. The witnesses shall sign their respective answers as given, and the commissioners shall certify the same, and transmit them sealed, to the clerk of the court, to be used in evidence. Depositions so taken in any civil case, shall be received as valid evidence in such case, unless impeached for fraud or collusion, or gross impropriety.

SECTION 1225. Any party to a civil suit pending in any court of record, may apply to the court in term time, or to a justice thereof in vacation, upon affidavit, giving the opposite party at least twenty-four hours previous notice of such application, for a commission to take the testimony of any material witness, to be used at the trial of the cause, where such witness is about to quit the kingdom, or is so ill that it is feared he will not live till the day of trial.

TRANSCRIPT OF JUDICIAL RECORDS.

SECTION 1226. A transcript of any of the records and judicial proceedings of any court of record, or of any judge of a court of record at chambers, shall be admitted in evidence, upon being authenticated by the attestation of the clerk of such court, with the seal of such court annexed, or of the judge at chambers before whom the proceedings were had, with the seal aforesaid.

SECTION 1227. A transcript from the docket of any circuit judge at chambers, or of any police or district justice, of any judgment had before him, of the execution issued thereon, if any, and of the return to such execution, if any, when subscribed by said judge or justice, shall be evidence to prove the facts stated in such transcript, in any other court.

ARTICLE L.—OF EQUITY, ADMIRALTY, AND PROBATE MATTERS.

SECTION 1228. All applications for the foreclosure of any mortgage of real or personal property; for the abatement of nuisance, public or private; for the annulment of charters and other corporate rights, or for restraint or prohibition in the exercise thereof; for proclamation by *scire facias;* for sequestration of property upon legal or equitable grounds; for divorces and separations; for the affiliation of bastards; for the partition and division of real property; for the admeasurement of dower; for inquiries of lunacy or insanity; or for inquiries *de ventre inspiciendo* to determine the right of property, shall be by sworn petition addressed to some court, or justice, having jurisdiction thereof.

SECTION 1229. Upon the filing of such petition, the court or judge

shall determine, *ex parte*, upon the propriety of granting the process prayed for. In cases not demanding secresy, or occasioning doubt, the court or judge may, before issuing process, grant an order to show cause, and make any interlocutory order in the matter, which may appear necessary to the ends of justice.

SECTION 1230. When process is issued in any such case, it shall be served by delivery of a copy of the petition and of the summons to the defendants, or in case they cannot be found, by leaving such copy with some one upon the premises involved in the controversy, or in such other manner as the court or judge may direct. The officer charged with service of the process shall also, if so directed by the court or judge, publish in the Government Gazette a notice of such suit or proceeding, calling upon all persons interested to appear and show cause against it, at the time and place appointed for the hearing.

SECTION 1231. The court or judge may assess the amount due upon mortgages, whether of real or personal property, without the intervention of a jury, after hearing of the parties, and adduction of the proofs, and shall order judgment or decree to be entered for the amount awarded, and execution to be issued thereon, subject to appeal in all cases except where the judgment or decree is rendered by the Supreme Court.

SECTION 1232. All prior and subsequent mortgage creditors, whose names are or can be discovered by the party foreclosing a mortgage, shall be made parties to his application, and if discovered before the day appointed for hearing, they shall be served with copy of the petition.

SECTION 1233. Mortgage creditors shall be entitled to payment according to the priority of their liens, and not *pro rata*; and decrees of foreclosure shall operate to extinguish the liens of subsequent mortgages of the same property, without enforcing prior mortgagees to their right of recovery. The surplus after payment of the mortgage foreclosed, shall be applied *pro tanto* to the next junior mortgage, and so on to the payment, wholly or in part, of mortgages junior to the one assessed.

SECTION 1234. The mortgagor, or any subsequent mortgagee, may appear and answer matter of fact or of law, pleadable in defence to the

application or petition for foreclosure, and shall be allowed to show any matter in legal or equitable avoidance of the mortgage.

SECTION 1235. All applications for the foreclosure of any hypothecation or other maritime lien, upon any vessel, domestic or foreign, or for the enforcement of the rights of salvors, or of material men, or for damages in cases of collision, or for the forfeiture of any vessel or other property for a breach of the revenue laws, or in causes of damage where the right of action arose without the jurisdiction of this kingdom, shall be by sworn petition, in the nature of a libel, addressed to the Chief Justice, or first Associate Justice of the Supreme Court.

SECTION 1236. Upon the filing of any such petition, the justice shall determine, *ex parte*, upon the propriety of granting the process prayed for. He may, before issuing process, grant an order to show cause, if in his opinion advisable to the ends of justice.

SECTION 1237. When process is issued in any such case, it shall be served by delivery of copy of the petition, and of the judge's citation, to the defendants, or in case they cannot be found, by leaving such copy with some one upon the vessel libelled for foreclosure, or attached for payment of a maritime lien or liability, or for a breach of the revenue laws; or if service cannot be made as aforesaid, it may be made in such other way as the justice shall specially direct. As soon after service as may be, the Marshal or his deputy shall, in the discretion of the justice, publish in the Government Gazette, for such period as he may deem equitable, a notice of such action or proceedings, attachment, intended foreclosure, or sale upon hypothecation, or maritime lien, or forfeiture, and inviting all persons interested to show cause against it on or before the day assigned for the hearing.

SECTION 1238. In all such cases, the justice may hear and determine the controversy, without the intervention of a jury; or he may cause a jury to be impannèled, for the purpose of trying the facts involved in the cause, in accordance with the provisions of section 854. After hearing of the parties, and adduction of the proofs, and the verdict upon the facts being rendered, or the decision being pronounced by the justice, he shall order the clerk to enter up judgment thereon, subject to

appeal, or to a motion for a new trial, and to issue execution thereon as in cases not maritime.

SECTION 1239. When an appeal is taken in any such cause, from a decision rendered by the justice without the intervention of a jury, the case on appeal shall be heard and determined by the Supreme Court in *banco*.

SECTION 1240. Hypothecations and maritime liens shall follow the course of the law of nations, the law of the place of the contract, the law maritime and the law merchant in like cases, which the judge or court shall apply thereto, and to the apportionment and distribution of the proceeds arising therefrom.

SECTION 1241. Matters of probate and of administration, shall be heard and determined by the judge or court having jurisdiction thereof, without the intervention of a jury.

SECTION 1242. In all cases in which any person, whether a subject of this kingdom or otherwise, shall decease in any part of this kingdom, leaving a will in this kingdom of his or her property within its jurisdiction or abroad, or having died abroad, and there left a will bequeathing or disposing of his or her property in this kingdom, it shall be incumbent upon the person named as executor of such will, or on the person to be benefitted thereby, or on the person in whose charge the same was deposited, or some person in behalf of those interested, to apply to some judge of a court of record, at chambers, for probate of such will, and for citation of the witnesses thereto, and of the next of kin of the deceased.

SECTION 1243. It shall in like manner be incumbent on the person entitled and desirous to administer, according to the priority of right hereinafter prescribed, upon the estate of any person dying intestate in this kingdom, and leaving property therein, or dying abroad and leaving property in this kingdom, to apply by petition to some judge of a court of record, at chambers, for power to administer thereon.

SECTION 1244. All applications for probate of wills, or for letters of administration, shall be by sworn petition, in which the party shall set forth circumstantially all the facts upon which his application rests.

SECTION 1245. In the appointment of administrators upon the property of deceased persons, the following order of priority shall be observed:

1. The husband of a deceased wife;
2. The wife of a deceased husband;
3. The children being major;
4. The brothers and sisters of the deceased;
5. The cousins germain of the deceased;
6. Any *bona fide* creditor applying for administration:

Provided, however, that the judge may, for satisfactory cause, disregard the order of priority herein prescribed.

SECTION 1246. The judge shall make the necessary orders for, and prescribe the length of time during which, executors and administrators shall give notice to creditors and debtors of the estate, and for the filing of inventories of the assets.

SECTION 1247. Executors and administrators shall in no case be liable to suit, until the expiration of six calendar months after probate, or letters of administration granted.

SECTION 1248. In all cases contemplated by the provisions of this article, the court or judge shall have power to issue all such letters rogatory, or commissions to take testimony, as may be necessary and proper in any particular case.

CHAPTER XXVI.

OF THE EXECUTIVE EXTRA-JUDICIAL OFFICERS.

ARTICLE LI.—OF THE REGISTRAR OF CONVEYANCES—HIS DUTIES, &c.

SECTION 1249. There shall be a bureau in the department of the Interior, to be called the Bureau of Conveyances; and His Majesty shall appoint, upon the nomination of the Minister of the Interior, some suitable person to superintend said Bureau, under the direction of said minster, who shall be styled the "Registrar of Conveyances," and hold his office at the pleasure of the King.

SECTION 1250. Said Registrar shall take an oath faithfully to discharge the duties of his office, and he shall give to the Minister of the Interior, for the benefit of the public, a bond in the penalty of at least one thousand dollars, conditioned to answer to any party aggrieved, upon assignment thereof, for any damages, losses, or injuries sustained by reason of his negligence, carelessness or misconduct in office, or by reason of false certificates of search or encumbrance by him at any time made or given, to the detriment of the party prosecuting.

SECTION 1251. The said Registrar shall be entitled to demand and receive the following fees, viz.:

1. For the registry of any deed, lease, mortgage, or other instrument required by law to be recorded, or presented for record, fifty cents for one hundred words;

2. For taking any acknowledgment preparatory to registry, one dollar for each party signing;

3. For every copy of any instrument recorded in his office, authenticated by his seal of office, fifty cents for one hundred words;

4. For searching the records, and giving the certificate required by law, twenty-five cents for each year searched;

Which fees shall belong, and are hereby appropriated to the said Registrar, as his exclusive perquisites of office.

SECTION 1252. The said Registrar shall, under the direction of the Minister of the Interior, appoint a deputy, for whose official acts he shall be responsible, and whose appointment he shall cause to be announced in the Government Gazette. It shall be the duty of such deputy to act as Registrar of Conveyances, during the absence of the Registrar, or in case of a vacancy in that office.

SECTION 1253. The said Registrar may, under the direction of the Minister of the Interior, appoint suitable persons, throughout the kingdom, as agents for taking and certifying the acknowledgment of instruments, to be recorded in his office.

SECTION 1254. It shall not be lawful to record any conveyance, or other instrument required by law to be stamped, unless the same shall have been previously impressed with the Royal stamp, as provided in section 422.

SECTION 1255. To entitle any conveyance, or other instrument to be recorded, it shall be acknowledged by the party or parties executing the same, before the Registrar of Conveyances, or his agent, or some judge of a court of record, or notary public of this kingdom, or before some minister, commissioner or consul of the Hawaiian Islands, or some notary public or judge of a court of record, in any foreign country. But if any party to an instrument executed within this kingdom shall die, or depart from the kingdom without having acknowledged his deed, or shall refuse to acknowledge it, the deed may be entered of record on proof of its execution by a subscribing witness thereto, before any judge of a court of record in this kingdom. If all the subscribing witnesses to such conveyance or other instrument shall be dead, or out of the kingdom, the same may be proved before any court of record in this

kingdom, by proving the handwriting of the grantor and any subscribing witness.

SECTION 1256. It shall not be lawful to enter of record any release of dower in lands or other property, signed by an undivorced wife, without her previous acknowledgment to the Registrar of Conveyances, or one of his agents, or some officer authorized to receive such acknowledgment, apart from her husband, that she had signed such release without compulsion, fear or constraint from her husband.

SECTION 1257. Every officer who shall take the acknowledgment or proof of any instrument, shall endorse a certificate thereof, signed by himself, on the instrument, and in cases of proof, give the names of the witnesses examined before him, their places of residence, and the substance of the evidence by them given.

SECTION 1258. Every conveyance, or other instrument, stamped and acknowledged or proved, and certified in the manner hereinbefore prescribed, by any of the officers before named, may be read in evidence without further proof thereof, and shall be entitled to be recorded.

SECTION 1259. The record of an instrument duly recorded, or a transcript thereof, duly certified, may also be read in evidence, with the like force and effect as the original instrument. Neither the certificate of acknowledgment, nor the proof of any instrument, shall be conclusive, but may be rebutted, and the force and effect thereof may be contested by any party affected thereby. If the party contesting the proof of an instrument shall make it appear that such proof was taken upon the oath of an interested or incompetent witness, neither such instrument, nor the record thereof, shall be received in evidence until established by other competent proof.

SECTION 1260. Every instrument entitled by law to be recorded, shall be recorded in the order, and as of the time when the same shall be delivered to the Registrar for that purpose, and shall be considered as recorded from the time of such delivery.

SECTION 1261. It shall be the duty of the Registrar of Conveyances

to make an entire literal copy of all instruments required to be recorded in his office, in books suitable for that purpose, which shall be provided by the Minister of the Interior, and at the foot of said copy certify its correspondence with the original, after which he shall certify upon the exterior, or endorse upon said recorded instrument, the date of its registry, the book in his office in which, and the page of said book at which, it was registered.

SECTION 1262. All deeds, leases for a term of more than one year, or other conveyances of real estate within this kingdom, shall be recorded in the office of the Registrar of Conveyances, and every such conveyance not so recorded, shall be void as against any subsequent purchaser, in good faith and for a valuable consideration, not having actual notice of such conveyance, of the same real estate, or any portion thereof, whose conveyance shall be first duly recorded.

SECTION 1263. All mortgages of chattel property, indentures of apprenticeship, articles of marriage settlement, powers of attorney for the transfer of real estate within this kingdom, and agreements of adoption, shall, in order to their validity, be recorded in the office of the Registrar of Conveyances, in default of which no such instrument shall be binding to the detriment of third parties, or conclusive upon their rights and interests.

SECTION 1264. The Registrar of Conveyances shall, when applied to therefor, furnish an attested copy of any instrument or document recorded in his office, and he shall also give certificates of search or incumbrance, or of any fact appearing upon his records, upon being paid the fees hereinbefore specified.

SECTION 1265. All records of instruments made in the office of the Registrar of Conveyances, anterior to the tenth day of July, A. D. 1850, whether in the book required by law or otherwise, shall be deemed to have been duly recorded.

ARTICLE LII.--OF NOTARIES PUBLIC.

SECTION 1266. There shall be appointed by the King in Privy Council, upon the recommendation of the Minister of the Interior, one or more suitable persons in each of the gubernatorial divisions of the kingdom, to be notaries public, and to hold office as such during His Majesty's pleasure.

SECTION 1267. No person who is not a subject of this kingdom shall be eligible to the office of notary public; and every person appointed to that office shall, before entering thereon, take and subscribe an oath for the faithful discharge of his duties, which oath shall be filed in the Department of the Interior.

SECTION 1268. Every notary public shall constantly keep a seal of office, whereon shall be engraven his name, and the words "notary public," and "Hawaiian Islands."

SECTION 1269. It shall be his duty, when requested, to enter on record all losses or damages, sustained, or apprehended, by sea or land, and also all averages, and such other matters as, by mercantile usage, appertain to his office, and cause protest thereof to be made, duly and formally.

SECTION 1270. All facts, extracts from documents, and circumstances, so noted, shall be signed and sworn to, by all the persons appearing to protest; and he shall note, extend and record the protest so made; and shall grant authenticated copies thereof, under his signature and notarial seal, to those who request and pay for the same. He shall also, in behalf of any person interested, present any bill of exchange, or other negotiable paper, for acceptance or payment, to any party, on

whom the same is drawn, or who may be liable therefor; and notify all endorsers, or other parties, to such bill or paper; and he may, in general, do all the acts to be done by notaries public by the usages of merchants, or which are authorized by the laws of this kingdom.

SECTION 1271. The protest of any foreign or inland bill of exchange, or promissory note or order, duly certified by any notary public, under his hand and official seal, shall be legal evidence of the facts stated in such protest, as to the same, and also as to the notice given to the drawer or endorser, in any court of law.

SECTION 1272. Whenever any promissory note, bill of exchange, draft or order for the payment of money, payable at a future day, or at sight, and not on demand, shall become payable in this kingdom, the maker of any such note, and the acceptor of any such bill of exchange, respectively, shall be entitled to a grace of three days, unless the third day happen to be Sunday, or a day of public fast or thanksgiving appointed by the King; in which excepted cases, a grace of two days only shall be allowed.

SECTION 1273. Every notary public shall record at length in a book of records, all acts, protests, depositions, and other things, by him noted or done in his official capacity; and all copies or certificates, by him granted, shall be under his hand and notarial seal, and shall be received as evidence of such transaction.

SECTION 1274. On the resignation, removal from office, or death, of any notary public, his records shall be deposited with the clerk of the nearest court of record to the place where his office was situated; and by a neglect for three months to comply with the above requisition, such notary, his executor or administrator, shall forfeit not less than fifty, nor more than five hundred dollars, in the discretion of the court.

SECTION 1275. All forfeitures under the last preceding section shall be one half to the Government, and the other half to him who shall sue for the same.

SECTION 1276. Every notary public shall be entitled to demand and receive the following fees, viz.:

1. For noting the protest of mercantile paper, two dollars;
2. For each notice and certified copy of protest, two dollars;
3. For noting any other protest, three dollars;
4. For every notice thereof, and certified copy of protest, three dollars;
5. For every deposition, or official certificate, two dollars.

CHAPTER XXVII.

OF COSTS IN THE JUDICIARY DEPARTMENT.

SECTION 1277. *In the District Courts:*

For every summons, warrant, attachment, execution or other process, issued by any district justice, one dollar.

For every subpœna, fifty cents.

For rendering and entering up judgment, one dollar.

For administering any oath, twelve and a half cents.

For noting appeal, and making return upon the same to the appellate court, one dollar.

Witnesses' Fees:—For every witness attending and sworn upon the trial of any civil case, twenty-five cents.

Constables' Fees:—For serving any warrant or summons, one dollar.

For serving any attachment, one dollar; and for a copy thereof, and an inventory of the property attached, to be left with the defendant, or at his last place of residence, one dollar.

For all necessary travel in serving summons, warrant, attachment, execution, or other process, five cents per mile for every mile more than one.

For serving subpœna, twelve and a half cents for each witness.

For serving any execution, ten cents for every dollar collected up to the amount of fifty dollars, and five cents for every dollar collected over fifty dollars.

SECTION 1278. *In the Police Courts:*

For every summons, warrant, attachment, or other process, issued by any police justice, one dollar.

For every adjournment upon the motion of either party, twenty-five cents.

For every subpœna, fifty cents.

For administering any oath, twelve and a half cents.

For filing any paper at the request of either party, twelve and a half cents.

For rendering and entering up judgment, one dollar.

For every transcript of a judgment, fifty cents.

For every bond, or other security, drawn by the justice, one dollar.

For noting an appeal, twelve and a half cents; and for making a return thereof, one dollar.

Witnesses' Fees:—Every witness attending and sworn upon the trial of any civil case, twenty-five cents; and when coming from any place out of the district, fifty cents for each day's actual attendance.

Constables' Fees:—For serving any summons, warrant, attachment, or other process, one dollar.

For every copy of an attachment and inventory of the property attached, served upon the defendant, one dollar and fifty cents.

For serving any execution, ten cents for every dollar collected up to fifty dollars, and five cents for every dollar over fifty dollars.

For serving any subpœna, twelve and a half cents for each witness.

For every mile of necessary travel, more than one, in serving any process, five cents.

For taking care of any property seized under an attachment, his reasonable and necessary expenses.

SECTION 1279. *In trials at Chambers before the Circuit Judges:*

For every summons, warrant, attachment, or execution, one dollar.

For every subpœna, fifty cents.

For every adjournment on motion of either party, twenty-five cents.

For administering any oath, twelve and a half cents.

For filing any paper on motion of either party, twenty-five cents.

For rendering and entering up judgment of record, one dollar.

For every transcript of a judgment, fifty cents.

For every bond or other written security drawn by the judge, one dollar.

For noting an appeal, fifty cents; and making a return thereof, one dollar.

Witnesses' Fees:—Every witness attending and sworn upon the trial of any civil case, twenty-five cents; and when coming from any place out of the district where the court is holden, fifty cents for each day's actual attendance.

Constables' Fees:—The fees of constables shall be the same as those prescribed in the last preceding section, for police courts.

SECTION 1280. *In the Circuit and Supreme Courts:*

For filing any petition, plea, or other paper, at the request of either party, twenty-five cents.

For every summons, attachment, execution, or other process, five dollars.

For entering any petition, process, plea, or other proceeding, of record, twenty-five cents per folio.

For every subpœna, two dollars and fifty cents.

For drawing jury and issuing summons for same, five dollars.

For calling and swearing any jury, one dollar.

For swearing each witness on trial, twelve and a half cents.

For swearing sheriff, or other officer, to take charge of a jury, twelve and a half cents.

For entering any cause on the calendar for the court, and making a copy thereof for the use of the bar, one dollar.

For receiving and entering a verdict or award, one dollar.

For docketing a judgment, one dollar.

For every transcript of a judgment, one dollar.

For entering satisfaction of a judgment, one dollar.

For every search of record, and certificate made at the request of any party, fifty cents.

For every assessment of damages upon a promissory note or other instrument, one dollar.

For entering any rule, order or decree of court, and for every copy of the same, twenty-five cents per folio.

For entering any discontinuance, nonsuit, or default, one dollar.

For drawing any bond or other written security, one dollar.

For serving any notice upon either party, one dollar.

Attorneys' Fees:—For drawing any petition or plea, three dollars; and for every copy thereof, one dollar and fifty cents.

For every notice of trial, copy and service, one dollar.

For every other notice in any cause, copy and service, one dollar.

For attending upon the trial of any cause, or the argument of any motion, three dollars.

For drawing a bill of costs, copy and service, one dollar.

For every attendance before a judge on taxation of costs, one dollar.

For every motion for judgment, and other like motions, fifty cents.

All actual disbursements sworn to by an attorney, and deemed reasonable by the taxing officer, may be allowed in taxation of costs.

Marshal's or Sheriff's Fees:—For serving a summons, or any other process, (except a subpœna) five dollars for each party served therewith.

For serving subpœna, fifty cents for each witness.

For all necessary travel in making such service, ten cents per mile for every mile more than one.

For a copy of any summons, petition, or other process, one dollar and fifty cents.

For serving any execution, or other process for the collection of money, ten cents for every dollar collected up to five hundred dollars, and five cents for every dollar over five hundred dollars. All fees paid to any printer for publishing an advertisement of the sale of any property.

For every bill of sale, one dollar.

For drawing, executing and acknowledging a deed pursuant to a sale of real estate, five dollars, to be paid by the grantee in such deed.

For drawing any bond required by law, one dollar.

For summoning any panel of jurors to attend at any term of court, five dollars.

For summoning any special jury, three dollars.

For serving writ of possession, or of restitution, putting any person entitled into the possession of premises, and removing a tenant pursuant to the order of a court, five dollars.

For bringing up a prisoner for trial, or upon *habeas corpus* to testify or answer in court, one dollar.

For selling any property on an order from the court other than an execution, the same allowance as for service and sales by execution.

For attending on the court, five dollars per day.

The fees for service of executions and collection of judgments, together with all other costs incurred after judgment rendered, not included in the judgment, shall, in all the courts of the kingdom, be collected in addition to the sum directed to be levied and collected in the execution.

Witnesses' and Jurors' Fees:—One dollar for each day's attendance upon the court; and when they do not reside in the town where such court is held, five cents per mile for their necessary travel in going to and returning from the court. Jurors shall also be allowed fifty cents for every case in which they return a verdict.

The fees of jurors and witnesses shall be taxable items in the bill of costs to be paid by the losing party.

Judges' Fees:—For every attendance at chambers upon the hearing of any motion, five dollars.

For every order for a commission to examine witnesses, or for letters rogatory, three dollars.

For attending, settling and certifying interrogatories to be annexed to a commission, or letters rogatory, three dollars.

For every order for the examination of a witness conditionally, or upon any proceeding to perpetuate his testimony, one dollar.

For every day's attendance upon the examination of such witness, five dollars.

For every necessary order in the progress of a cause, one dollar.

For taxing bill of costs, one dollar.

For attendance in settling case, or bill of exceptions, one dollar.

For taking the acknowledgment of satisfaction of a judgment, one dollar.

For endorsing allowance on any process of constraint to the person or property of a party, one dollar.

For taking a bond in any case when a bond is required by law, one dollar.

For taking the oath or affidavit of any person, twenty-five cents.

For attending to the selection of referees and certifying their appointment, three dollars.

For every order, warrant, attachment, or other process made or issued in any special proceeding, five dollars.

For every notice to any party, officer or person, required to be given by any judge, one dollar.

For every report, and all other papers which he may be required by law to prepare in order to be signed by himself, twenty-five cents per folio.

SECTION 1281. *In the Probate Courts:*

For every citation or summons, five dollars.

For every subpœna, two dollars and fifty cents.

For every copy of a citation or subpœna, one dollar.

For every certificate of the proof of a will, endorsed thereon; and for every other necessary certificate, fifty cents.

Hearing proof and determining upon the validity of any will, five dollars.

For recording every will, with the proof thereof, letters testamentary, letters of administration, appointment of a guardian, and every other proceeding or order necessary to be recorded, twenty-five cents per folio.

For copies and exemplifications of the probate of a will, letters testamentary or of administration, or of any other proceeding or order had before a judge or court having probate powers, twenty-five cents per folio.

For the appointment of any administrator, guardian, or appraiser, two dollars.

For administering any oath to administrator, appraiser, or guardian, twenty-five cents.

For every bond taken from any administrator or guardian, or in any other case where a bond is required, one dollar.

For taking, entering and filing renunciation of any person entitled to be appointed an administrator, or guardian, one dollar.

For filing an inventory, or final account, and entering the same of record, twenty-five cents per folio.

For making any order for the sale of real estate, and for every other necessary order, one dollar.

For taking, stating and determining upon an account rendered, or deciding the distribution of personal estate, five dollars for each day necessarily occupied therein.

For hearing and determining any objection to the appointment of an administrator, or any application for his removal, or for the removal of any guardian, or any application to annul the probate of a will, five dollars.

For hearing and deciding any application to lease, mortgage or sell real estate, three dollars.

Searching records of office and giving certificate, one dollar.

For every appointment of commissioners to admeasure dower, or to make partition of real estate, two dollars.

For hearing and determining upon the report of such commissioners, two dollars.

All actual disbursements for printing.

For receiving and distributing any money on the sale of real estate, a commission of five per cent. on all sums up to the amount of five hun-

dred dollars, and two and a half per cent. on all sums over five hundred dollars.

Fees of Executors, Administrators and Guardians:—For receiving and paying out moneys, ten cents for every dollar up to and not exceeding one thousand dollars; seven cents for every dollar over one thousand, up to and not exceeding five thousand dollars; five cents for every dollar over five thousand dollars; and such additional allowance for their actual expenses as the judge or court shall deem just and reasonable. Where provision shall be made by any will for specific compensation to an executor, the same shall be deemed a full satisfaction for his services, in lieu of the fees hereinbefore prescribed, unless such executor shall by a written instrument, to be filed with the court or judge, renounce all claim to such specific compensation.

Fees of Commissioners and Appraisers:—For every day's actual and necessary attendance in admeasuring dower, partitioning real estate, or appraising property, five dollars; and all actual disbursements for surveying, plans, &c.

Witnesses', Marshal's or Sheriff's Fees:—Shall be such as the court or judge shall deem just and reasonable.

In all probate matters, where the value of the estate to be administered upon shall not exceed one hundred dollars, no costs shall be charged except those of actual disbursements. And where the value of the estate shall be more than one hundred dollars, and not exceed the value of five hundred dollars, the judge shall have power to diminish the costs in his discretion, whenever the circumstances of the parties interested shall seem to demand it.

All judges', justices' and clerks' fees, provided for in this chapter, shall be accounted for, quarterly, to the Minister of Finance, for the benefit of the public treasury.

SECTION 1282. The Justices of the Supreme Court shall have power, from time to time, to revise the costs and fees provided in this chapter, but not to increase the same; and also to prescribe such costs and fees as they shall deem reasonable, in all cases not therein provided for.

TITLE 5. — OF LAWS AFFECTING THE DOMESTIC RELATIONS.

CHAPTER XXVIII.

OF HUSBAND AND WIFE.

ARTICLE LIII. -MARRIAGE.

SECTION 1283. It shall not be lawful for any minister of religion of any sect whatsoever, or any other person, to perform the marriage ceremony within this kingdom, without first obtaining from the Minister of the Interior, a license to celebrate marriage.

SECTION 1284. In order to validate the marriage contract, it shall be necessary that the respective parties be not to each other within the fourth degree of consanguinity. That the male shall, at the time of contracting marriage, be at least seventeen years of age, and the female at least fourteen years of age; that the man shall not have at the time a wife living; and that the woman shall not have at the time a husband living. It shall also be necessary to validate the marriage of native female subjects of these islands, with male foreigners coming here to reside, that the foreigners have become first duly naturalized by taking the oath of allegiance, and it shall in no case be lawful to marry in this kingdom without license for that purpose first obtained, from the agent duly authorized to grant licenses to marry, agreeably to the laws.

SECTION 1285. The marriage rite may be performed and solemnized by any person duly authorized by law, upon presentation to him of a

license to marry, as prescribed by the foregoing section; who may be at liberty to receive the price to be stipulated by the parties, or the gratification tendered to him.

SECTION 1286. The husband, whether married in pursuance of this article, or heretofore, or whether validly married in this kingdom or in some other country, and residing in this, shall be accountable in his own property, for all the debts contracted by his wife anterior to, and during marriage; to any of which debts, he may set up the same defence she could have interposed had she remained sole. The husband shall be bound in law to maintain, provide for, and support his wife during marriage, in the same style and manner in which he supports and maintains himself. The husband shall, in virtue of his marriage, and in consideration of the responsibilities imposed on him by law, be the virtual owner, except otherwise stipulated by express marriage contract, of all movable property belonging to his wife anterior to marriage, and of all movable property accruing to her after marriage; over all of which movable property he shall, unless otherwise stipulated by contract, have absolute control for the purposes of sale or otherwise, and the same shall be equally liable with his own for his private debts. The husband shall in virtue of his marriage, unless otherwise stipulated by express contract, have the custody, use and usufruct, rents, issues and profits of all property of a fixed and immovable nature, belonging to his wife before marriage, or accruing to her after marriage; and he may, with her written consent, rent, or otherwise dispose of the same for any term not exceeding the term of his natural life: provided, that in case his wife shall first die, the husband legally married as aforesaid, shall cease to have control over the immovable and fixed property of his wife, and the same shall immediately descend to her heirs as if she had died sole, unless there happen to be legitimate issue of the marriage within the age of legal majority; in which case, the husband shall continue to enjoy a *curtesy* in said immovable or fixed property, until such issue shall attain majority, when the same shall descend to the heir or heirs of the body of the wife. The immovable and fixed property of the wife shall not be liable to be sold for the payment of the husband's debts, whether contracted in his own behalf solely, or in support of or for the use of his wife after marriage. But such immovable and fixed property may be legally sold on execution, to satisfy the debts contracted by the wife before marriage, *if no property* of the husband be found to satisfy the same.

SECTION 1287. The wife, whether married in pursuance of this article or heretofore, or whether validly married in this kingdom or in some other country, and residing in this, shall be deemed for all civil purposes, to be merged in her husband, and civilly dead. She shall not, without his consent, unless otherwise stipulated by anterior contract, have legal power to make contracts, or to alienate and dispose of property, except as hereinafter provided. She shall not be civilly responsible in any court of justice, without joining her husband in the suit, and she shall in no case be liable to imprisonment in a civil action. The husband shall be personally responsible in damages, for all the tortuous acts of his wife; for assaults, for slanders, for libels, and for consequential injuries done by her to any person or persons, in this kingdom.

SECTION 1288. The children of a valid marriage shall be denominated legitimate; and the husband of said marriage shall be liable for their suitable and proper support in all respects, until they severally attain the age of majority, when his liability shall cease for further provision. He shall also be entitled to control and manage his children, in all respects, during their minority, and require reasonable service at their hands. He shall be the natural guardian of their persons and of their property; he shall be liable in damages for tortuous acts committed by them, and entitled to prosecute and defend all actions at law in which they or their individual property may be concerned.

SECTION 1289. Children whose parents shall not have been legally married, in contemplation of this article, shall be denominated bastards, and shall not be entitled to inherit from their male parents, without express bequest: provided, nevertheless, that the female parent shall be compellable to maintain and support them during minority, and they shall be capable to take by inheritance from the mother, without will.

SECTION 1290. Marriages legal in the country where contracted shall be held legal in the courts of this kingdom.

SECTION 1291. When a male under twenty years of age, or female under eighteen years of age, is to be married, the consent of the parent, guardian, or other person having the care and government of such party, if within the kingdom, shall be first obtained.

SECTION 1292. Any Justice of the Supreme Judicial Court, or of any Circuit Court, on application of any married woman, whose husband has absented himself from the kingdom, abandoning her, and not making sufficient provision for her maintenance, may empower her, during his absence, and till his return, in her own name, to make and execute any contract under seal or otherwise.

SECTION 1293. She may also be so authorized to make sale of any estate, real or personal, of which she is seized or possessed in her own right, and duly execute all legal instruments, necessary for that purpose.

SECTION 1294. She may also commence, prosecute, and defend any action in law, or in equity, to final judgment and execution, in like manner as if she were unmarried.

SECTION 1295. The Supreme or Circuit Courts may also, on her petition, authorize any person holding money or other personal property, to which the husband is entitled in her right, to pay and deliver the same to the wife; and authorize her to give a discharge for the same, which shall be valid; and to use and dispose of such property, during the absence of the husband, as her own property.

SECTION 1296. Upon application, for any of the purposes before mentioned, the justice, before granting any of the powers before mentioned, shall order notice to be given, by publishing the same, for three consecutive weeks, in one of the newspapers issued in Honolulu, the last publication of which, to be at least three calendar months before the granting of the application.

SECTION 1297. All contracts, lawfully made by any married woman, by virtue of any power given her as aforesaid, shall be binding on her and her husband, in like manner as if their marriage had taken place after such contracts; and during his absence, she shall be liable to be sued thereon, as if she were unmarried; and for all other acts done by her, while the power granted to her is continued.

SECTION 1298. No suit pending, where the wife shall be a party pursuant to power granted her as before mentioned, shall abate by her

husband's return to the kingdom; but, on his application, he may be admitted to prosecute or defend jointly with her, as if their intermarriage had taken place after the commencement of such suit, but if he shall not be admitted as a party, judgment shall be rendered, and execution issued and enforced by, or against her, in the same manner, as if judgment had been rendered for or against her before their inter-marriage.

ARTICLE LIV.—OF DOWER.

SECTION 1299. Every woman shall be endowed of one-third part of all the lands owned by her husband at any time during marriage, in fee simple, in freehold, or for the term of fifty years or more, so long as twenty-five years of the term remain unexpired, but in no less estate, unless she is lawfully barred thereof; she shall also be entitled, by way of dower, to an absolute property in the one-third part of all his movable effects, in possession, or reducible to possession, at the time of his death, after the payment of all his just debts.

SECTION 1300. If a husband seized of lands in fee simple, freehold, or for a term of fifty years, as specified in the preceding section, shall exchange them for other lands, his widow shall not have dower in both, but shall make her election to be endowed of the lands given, or of those taken in exchange, within six months after the death of her husband, and if such election be not made, she shall take her dower of the lands received in exchange.

SECTION 1301. Where any person seized of lands, as aforesaid, shall have executed a mortgage of such lands before marriage, the widow shall, nevertheless, be entitled to dower out of the lands mortgaged, as against every person except the mortgagee and those claiming under him.

SECTION 1302. Where a husband shall purchase lands during cover-

ture, and shall at the same time mortgage his estate in such lands to secure the payment of the purchase money, his widow shall not be entitled to dower out of such lands, as against the mortgagee or those claiming under him, although she shall not have united in such mortgage, but she shall be entitled to her dower as against all other persons.

SECTION 1303. Where in such case the mortgagee, or those claiming under him shall, after the death of her husband, cause the land mortgaged to be sold, and any surplus shall remain, after the payment of the moneys due on such mortgage, and the costs and charges of the sale, the widow shall be entitled to the interest or income of the one-third part of such surplus, for her life, as her dower.

SECTION 1304. A widow shall not be endowed of lands conveyed to her husband by way of mortgage, unless he acquired an absolute estate therein during marriage.

SECTION 1305. When a widow is entitled to dower in lands of which her husband died seized, she may continue to occupy the same, with the children or other heirs of the deceased, or to receive one-third part of the rents, issues and profits thereof, so long as the heirs do not object thereto, without having her dower assigned.

SECTION 1306. A widow may remain in the house of her husband sixty days after his death, without being chargable with rent therefor, and in the mean time she shall have her reasonable sustenance out of his estate.

SECTION 1307. In case of divorce, dissolving the marriage contract, for the misconduct of the wife, she shall not be endowed.

SECTION 1308. A woman may bar her right of dower, in any estate conveyed by her husband, by joining with him in the deed conveying the same, and therein releasing her claim to dower, or by a separate deed releasing the same, made at the time of the conveyance by her husband, or subsequently.

SECTION 1309. A woman may also be barred of her dower in the

lands of her husband, by a jointure settled on her with her assent before her marriage, provided such jointure consists of an estate in lands, for the life of the wife at least, to take effect immediately on the death of her husband; her assent to such jointure being expressed, if she be of full age, by her becoming a party to the conveyance by which it is settled, and if she be under age, by her joining with her father or guardian in such conveyance.

SECTION 1310. Any pecuniary provision that shall be made for the benefit of an intended wife, and in lieu of dower, shall, if assented to as provided in the preceding section, bar her right of dower in all the lands of her husband.

SECTION 1311. If any such jointure or pecuniary provision, in lieu of dower, be made before the marriage, and without the assent of the intended wife, or if it be made after marriage, it shall bar her dower, unless she shall within six months after receiving notice of the death of her husband, and of such jointure or pecuniary provision, make her election, to waive such jointure or provision, and to be endowed of the lands of her husband.

SECTION 1312. If any provision be made for a widow in the will of her husband, she shall within six months after probate of the will, make her election or be endowed of his lands; but she shall not be entitled to both, unless it plainly appears by the will, to have been the intention of the testator, that she should have such provision, in addition to her dower.

ARTICLE LV.—OF DIVORCE AND SEPARATION.

SECTION 1313. The Supreme Court, any Circuit Court, or any Justice of the Supreme Court at Chambers may, by a sentence of nullity, declare void the marriage contract for either of the following causes, existing at the time of the marriage:

1. That the parties were related to each other within the fourth degree of consanguinity.

2. That the parties, or either of them, had not attained the legal age of marriage.

3. That the husband had an undivorced wife living, or the wife had an undivorced husband living, or that either party being divorced, was the guilty party in such divorce, and that the former husband or wife was then living.

4. That the husband, being a foreigner, has failed to comply with the requirements of the law validating marriages with the female subjects of this kingdom.

5. That one of the parties was an idiot or lunatic.

6. That one of the parties was impotent or physically incapable of entering into the marriage state.

SECTION 1314. A suit to annul a marriage on the ground that one of the parties was under legal age, may be brought by the parent or guardian entitled to the custody of such minor, or by any person admitted by the court to prosecute as the friend of such minor; but in no case shall such marriage be annulled on the application of a party who was of legal age at the time it was contracted, nor when it shall appear that the parties, after they attained the legal age, had for any time freely cohabited as man and wife.

SECTION 1315. A marriage may be declared null on the ground that one of the parties has an undivorced husband or wife living, on the application of either of the parties during the lifetime of the other, or on the application of such former husband or wife.

SECTION 1316. Every woman who shall be deceived into contracting an illegal marriage with a man having another wife living, under the belief that he was an unmarried man, shall be entitled to a just allowance for the support of herself and family out of his property, which she may obtain upon application to any judge of a court of record at chambers: provided, always, that such allowance shall not exceed one-third of his real and personal estate.

SECTION 1317. The children of such illegal marriage shall be

entitled to succeed in the same manner as legitimate children, to all the real and personal estate of both parents in this kingdom.

SECTION 1318. The marriage of an idiot or insane person may be annulled on the application of the sane party, or any relative of the idiot or lunatic, or on the application of any person admitted by the court to prosecute as the next friend of the said idiot or lunatic, or upon the application of the lunatic himself after restoration to reason; but in such case, no sentence of nullity shall be pronounced if it shall appear that the parties freely cohabited as husband and wife, after the lunatic was restored to a sound mind.

SECTION 1319. Upon the annulment of a marriage on account of non-age, insanity, or idiocy of either party, the issue of the marriage shall be deemed to be in all respects the legitimate issue of the parent who, at the time of the marriage, was capable of contracting.

SECTION 1320. Upon the annulment of a marriage that is prohibited on account of consanguinity between the parties, or for a failure on the part of the husband, being a foreigner, to comply with the requirements of the law validating marriage with the female subjects of this kingdom, the issue of the marriage shall be illegitimate.

SECTION 1321. A suit to annul the marriage on the ground of the physical incapacity of one of the parties at the time of marriage, shall only be maintained by the injured party, against the party whose incapacity is alleged; and shall in all cases be brought within two years from the solemnization of the marriage.

SECTION 1322. No sentence of nullity of marriage shall be pronounced solely on the declarations or confessions of the parties, but the court shall, in all cases, require other satisfactory evidence of the facts on which the allegation of nullity is founded.

OF DIVORCES DISSOLVING THE MARRIAGE CONTRACT.

SECTION 1323. The Supreme Court, any Circuit Court, or any Justice of the Supreme Court at Chambers, may dissolve the marriage contract and decree a divorce from the bond of matrimony, for the following causes:

1. Adultery by either party.

2. Willful and continued desertion, without cause, for three successive years, shall be presumptive evidence of adultery, and the court may, at its discretion, grant a divorce for the same.

3. Three years' absence in a foreign country, and unheard of: the commission of a crime for which either party is sentenced to imprisonment at hard labor, for life, or for five years or more, which shall constitute the person strictly dead; when application is made pending the imprisonment and before pardon granted.

SECTION 1324. If the adultery, or other offense amounting to adultery, be admitted by the defendant, yet the court, before pronouncing a decree of divorce, shall require other satisfactory evidence of the guilt of the accused.

SECTION 1325. Although the fact of adultery, or other offense amounting thereto, shall be established, the court may deny a divorce in the following cases:

1. Where the offense shall appear to have been committed by the procurement or with the connivance of the complainant.

2. Where the offense charged shall have been forgiven by the injured party, and such forgiveness be shown by express proof, or by the voluntary cohabitation of the parties, with the knowledge of the fact.

3. Where there shall have been no express forgiveness and no voluntary cohabitation of the parties, but the suit shall not have been brought within two years after the discovery by the complainant of the offense charged.

4. Where it shall be proved that the complainant has also been guilty

of adultery, or other offense amounting thereto, under such circumstances as would have entitled the defendant, if innocent, to a divorce.

SECTION 1326. A divorce for the cause of adultery committed by the husband shall not affect the legitimacy of the issue of the marriage.

SECTION 1327. A divorce for the cause of adultery committed by the wife, shall not affect the legitimacy of the issue of the marriage, but the legitimacy of such children, if questioned, shall be tried and determined by the court. In every such case, the legitimacy of such children shall be presumed, until the contrary be shown.

SECTION 1328. Upon granting a divorce for the adultery or other offense amounting thereto, of the husband, the court may make such further decree or order against the defendant, compelling him to provide for the maintenance of the children of the marriage, and to provide such suitable allowance for the wife, for her support, as the court shall deem just and reasonable, having regard to the ability of the husband, the character and situation of the parties, and all other circumstances of the case.

SECTION 1329. Upon annulling a marriage, or decreeing a divorce, the court may make such further decree as it shall deem expedient, concerning the care, custody, education and maintenance of the minor children of the parties, and determine with which of the parents the children or any of them shall remain; and the court may, from time to time afterwards, on the petition of either of the parties, revise and alter such decree concerning the children, and make a new decree concerning the same, as the circumstances of the parents and the benefit of the children may require.

SECTION 1330. When a divorce is decreed for the adultery, or other offense amounting thereto, of the husband, and the wife shall be the owner of real estate, or have in her possession any personal property, given to her by her husband, acquired by her own industry, given her by devise or otherwise, or to which she may be entitled by the decease of any relative, all such real and personal property shall be her sole and absolute property.

SECTION 1331. When a divorce is decreed for the adultery or other offense amounting thereto, of the wife, the husband shall hold her personal estate for ever, and he shall hold her real estate so long as they shall live; and if he shall survive her, and there shall have been issue of the marriage born alive, he shall hold her real estate for the term of his own life, as a tenant by the curtesy: provided that the court may make such reasonable provision for the divorced wife, out of any real estate that may have belonged to her, as it may deem proper.

SECTION 1332. A wife divorced for adultery or other offense amounting thereto, shall not be entitled to dower in her husband's real estate, or any part thereof, nor to any share of his personal estate.

SECTION 1333. Whenever the court shall make an order or decree requiring a husband to provide for the care, maintenance, and education of his children, or for an allowance to his wife, the court may require him to give reasonable security for such maintenance and allowance; and upon neglect or refusal to give such security, or upon default of him and his surety to provide such maintenance and allowance, the court may sequester his personal estate, and the rents and profits of his real estate, and may appoint a receiver thereof, and cause such personal estate, and the rents and profits of such real estate, to be applied towards such maintenance and allowance as to the court shall, from time to time, seem just and reasonable.

SECTION 1334. Whenever a marriage shall be dissolved for adultery, or other offense amounting thereto, the innocent party may marry again at any time, but the guilty party shall not marry again until the death of the innocent one: provided, however, that either of the Justices of the Supreme Court shall have power to grant permission to such divorced party to marry again, if it shall appear to the satisfaction of such justice, that three years, or more, have elapsed since the date at which the applicant for such permission was divorced, and that such applicant has not been guilty of fornication or adultery.

SECTION 1335. If any persons, after being divorced for any cause whatever, shall cohabit as husband and wife, they shall be liable to all the penalties provided by the laws against adultery.

SEPARATION.

SECTION 1336. A separation from bed and board forever, or for a limited time, may be decreed by the Supreme Court, any Circuit Court, or any Justice of the Supreme Court at Chambers, for the following causes:

1. For excessive and habitual ill-treatment of the one party by the other.

2. For habitual drunkenness of either party.

3. For the refusal or neglect of the husband to provide his wife with the necessaries of life.

SECTION 1337. In any suit brought for a separation, the defendant shall be permitted to prove, in his justification, the ill-conduct of the complainant, and on establishing such defense, to the satisfaction of the court, the suit may be dismissed.

SECTION 1338. Upon decreeing a separation, the court may make such further decree for the support and maintenance of the wife and her children, by the husband, or out of his property, as may appear just and proper.

SECTION 1339. Whenever a decree of separation is granted, the decree shall have the effect, during such separation, to reinstate the wife, whether the wrongdoer or not, in the right to sue or be sued, to alienate and convey property, to make contracts, and to do all other acts as if she were a feme sole.

SECTION 1340. Where a decree for a separation forever, or for a limited period, shall have been pronounced, it may be revoked at any time thereafter, under such regulations and restrictions as the court may impose, upon the joint application of the parties, and upon their producing satisfactory evidence of their reconciliation.

SECTION 1341. Upon the hearing of any petition for a divorce, or separation, the court shall have power, in its discretion, to examine either or both of the parties, upon oath, in order to prevent collusion.

CHAPTER XXIX.

OF GUARDIANS AND WARDS.

SECTION 1342. Any judge of the Supreme Court of law and equity, when it shall appear to him necessary or convenient, may appoint guardians to minors and others, being inhabitants of or residents in any part of this kingdom, or who may reside without this kingdom, and have any estate within the same.

SECTION 1343. Any circuit judge of this kingdom may, when it shall appear to him necessary or convenient, appoint guardians to minors and others, being inhabitants of or residents in the circuit in which he is a judge.

SECTION 1344. If the minor is under the age of thirteen years, the judge of probate may nominate and appoint his guardian, and if he is above the age of thirteen years, he may nominate his own guardian, who, if approved of by the judge, shall be appointed accordingly, and if the guardian, nominated by such minor, shall not be approved by the judge, or if the minor shall reside without the kingdom, or if after being cited by the judge, he shall neglect to nominate a suitable person, the judge may nominate and appoint the guardian, in the same manner, as if the minor were under the age of thirteen years.

SECTION 1345. Every guardian appointed as aforesaid, shall have the custody and tuition of the minor, and the care and management of his estate, and shall continue in office until the minor shall arrive at the age of twenty years, or until the guardian shall be discharged according to law; provided, however, that the father of the minor, if living, and in case of his death, the mother, while she remains unmarried, being them-

selves respectively competent to transact their own business, shall be entitled to the custody of the person of the minor, and to the care of his education.

SECTION 1346. Every such guardian shall give a bond, with surety or sureties, to the judge of probate, in such sum as the judge shall order, with conditions as follows:

First, To make a true inventory of all the real estate, and all the goods, chattels, rights and credits of the ward, that shall come to his possession or knowledge, and to return the same into the probate court at such times as the judge shall order:

Secondly, To dispose of and manage all such estate and effects according to law, and for the best interest of the ward, and faithfully to discharge his trust in relation thereto, and also in relation to the custody, education and maintenance of the ward:

Thirdly, To render an account, on oath, of the property in his hands, including the proceeds of all real estate sold by him, and of the management and disposition of all such property, within one year after his appointment, and at such other times as the judge of probate shall direct:

Fourthly, At the expiration of his trust, to settle his accounts with the judge of probate, or with the ward, or his legal representatives, and to pay over and deliver all the estate and effects remaining in his hands, or due from him on such settlement, to the person or persons who shall be lawfully entitled thereto.

SECTION 1347. Every father may, by his last will in writing, appoint a guardian or guardians for any of his children, whether born at the time of making the will, or afterwards, to continue during the minority of the child, or for any less time, and every such testamentary guardian shall have the same powers, and shall perform the same duties, with regard to the person and the estate of the ward, as a guardian appointed by the judge of probate.

SECTION 1348. Every such testamentary guardian shall give a bond in like manner, and with like condition, as is before required of a guardian appointed by the judge of probate, provided that when the testator, in the will appointing the guardian, shall have ordered or

requested that such bond shall not be given, the bond shall not be required, unless from a change in the situation or circumstances of the guardian, or for other sufficient cause, the judge of probate shall think proper to require it.

SECTION 1349. Nothing contained in this chapter shall impair or affect the power of any judge of the Supreme Court, or Circuit Court, to appoint a guardian to defend the interests of any minor impleaded in such court, or interested in any suit or matter there pending, nor their power to appoint or allow any person as next friend for a minor, to commence, prosecute, or defend any suit in his behalf.

SECTION 1350. When the relations or friends of any insane person shall apply to any of the judges hereinbefore mentioned, to have a guardian appointed for him, the judge shall cause notice to be given to the supposed insane person, of the time and place appointed for hearing the case, not less than fourteen days before the time so appointed, and if after a full hearing, it shall appear to the judge that the person in question is incapable of taking care of himself, the judge shall appoint a guardian of his person and estate, with the powers and duties hereinafter specified.

SECTION 1351. Every guardian so appointed for an insane person, shall have the care and custody of the person of the ward, and management of all his estate, until the guardian shall be legally discharged, and he shall give bond to the judge appointing him, in like manner, and with the like condition, as is before prescribed with respect to the guardian of a minor, excepting that the provision relating to the education of the ward, shall be omitted in the condition of the bond.

SECTION 1352. When any person by excessive drinking, gaming, idleness, or debauchery of any kind, shall so spend, waste, or lessen his estate, as to expose himself or his family to want or suffering, his friends or relations may present a complaint to any of the judges hereinbefore mentioned, setting forth the facts and circumstances of the case, and praying to have a guardian appointed for him.

SECTION 1353. The judge shall cause notice to be given to such

supposed spendthrift, of the time and place appointed for hearing the case, not less than fourteen days before the time so appointed; and if, after a full hearing, it shall appear to the judge that the person complained of comes within the description contained in section 1352, he shall appoint a guardian of his person and estate, with the powers and duties hereinafter specified.

SECTION 1354. After the order of notice has been issued, the complainants may cause a copy of the complaint, with the order of notice, to be filed in the office of the registrar of conveyances, and if a guardian shall be appointed upon such application, all contracts, excepting for necessaries, and all gifts, sales or transfers, of real or personal estate, made by such spendthrift after such filing of the complaint in the registry of conveyances, and before the termination of the guardianship, shall be null and void.

SECTION 1355. When a guardian shall be appointed for an insane person, or spendthrift, the judge shall make an allowance to be paid by the guardian, for all reasonable expenses incurred by the ward in defending himself against the complaint.

SECTION 1356. Every guardian, so appointed for a spendthrift, shall have the care and custody of the person of the ward, and the management of all his estate, until the guardian shall be legally discharged, and he shall give bond to the judge appointing him, in like manner and with the like condition, as is before directed with respect to the guardian of an insane person.

SECTION 1357. Every guardian appointed under the provisions of this chapter, whether for a minor or any other person, shall pay all just debts due from the ward, out of his personal estate, if sufficient, and if not, out of his real estate, upon obtaining a license for the sale thereof, as hereinafter provided; he shall also settle the accounts of the ward, and demand, sue for, and receive all debts due to him, or may, with the approbation of any of the judges hereinbefore specified, compound for the same, and give a discharge to the debtor, upon receiving a fair and just dividend of his estate and effects, and he shall appear for and represent his ward, in all legal suits and proceedings, unless where another person is appointed for that purpose, as guardian or next friend.

SECTION 1358. The guardian shall also manage the estate of the ward frugally, and without waste, and apply the income and profits thereof, so far as may be necessary, for the comfortable and suitable maintenance and support of the ward and his family, if there be any; and if the income and profits shall be insufficient for that purpose, the guardian may sell the real estate, upon obtaining a license therefor as provided by law, and shall apply the proceeds of such sale, so far as may be necessary, for the maintenance and support of the ward and his family.

SECTION 1359. The guardian may join in and assent to a partition of the real estate of the ward, either upon a petition for partition, or otherwise; and he may assign and set out dower in the said estate to any widow entitled thereto, and may appoint an appraiser of real estate on any execution, either against or in favor of his ward.

SECTION 1360. Upon the taking of any inventory, required by this chapter, the estate and effects comprised therein shall be appraised by three suitable persons, to be appointed and sworn by the judge, and every guardian shall account for, and dispose of, the personal estate of the ward, as directed by the judge.

SECTION 1361. When any guardian appointed either by a testator or by any of the judges hereinbefore mentioned, shall become insane or otherwise incapable of discharging his trust, or evidently unsuitable therefor, any of said judges, after notice to such guardian, and to all others interested, may remove him; and every guardian may, upon his request, be allowed to resign his trust, when it shall appear to the judge proper to allow the same; and upon every such resignation or removal, and also upon the death of any guardian, the judge of probate may appoint another in his stead.

SECTION 1362. The marriage of any female who is under guardianship as a minor, shall operate as a legal discharge to her guardian; and the guardian of any insane person, or spendthrift, may be discharged by any judge of probate, when it shall appear to him, on the application of the ward, or otherwise, that such guardianship is no longer necessary.

SECTION 1363. Any court of probate may require a new bond to be

given by any guardian, and may discharge the existing sureties from future responsibility, whenever such court may deem it proper so to do.

SECTION 1364. Any bond given by a guardian, may be put in suit by order of a judge of probate, for the use and benefit of the ward, or of any person interested in his estate.

SECTION 1365. No action shall be maintained against the sureties in any bond, given by a guardian, unless it be commenced within four years from the time when the guardian shall be discharged, provided that if at the time of such discharge, the person entitled to bring such action shall be out of the kingdom, the action may be commenced at any time within four years after his return to the kingdom.

SECTION 1366. Upon complaint made to a judge of probate by any guardian, or by the ward, or by any creditor or other person interested in the estate, or by any persons having claims thereto in expectancy as heir or otherwise, against any one suspected of having concealed, embezzled, or conveyed away any of the money, goods or effects of the ward, the judge may cite and examine such suspected person, and proceed with him as to such charge, in the same manner as with persons suspected of concealing, or embezzling, the effects of a deceased testator or intestate.

SECTION 1367. When any minor, or other person liable to be put under guardianship, according to the provisions of this chapter, shall reside without this kingdom, and shall have any estate therein, any friend of such person, or any one interested in his estate, in expectancy or otherwise, may apply to any judge of the Supreme Court of law and equity, and after notice to all persons interested, to be given in such a manner as the judge shall order, and after a full hearing and examination, if it shall appear to him proper, he may appoint a guardian for such absent person.

SECTION 1368. Every guardian appointed according to the provisions of the last preceding section, shall have the same powers and duties, with respect to any estate of the ward, that shall be found within the kingdom, and also with respect to the person of the ward, if he shall

come to reside therein, as are prescribed with respect to any other guardian, appointed under this chapter.

SECTION 1369. Every such guardian shall give bond to the judge appointing him, in like manner and with the like conditions, as is above provided with respect to other guardians; excepting that the provisions respecting the inventory, the disposal of the estate and effects, and the account to be rendered by the guardians, shall be confined to such estate and effects, as shall come to his hands in this kingdom, and that the provisions respecting the custody of the ward, shall not be applicable, unless the ward shall come to reside within this kingdom.

SECTION 1370. Every guardian shall be allowed the amount of all his reasonable expenses, incurred in the execution of his trust, and he shall also have such compensation for his services, as the court, in which his accounts are settled, shall consider to be just and reasonable.

SECTION 1371. When an account is rendered by two or more joint guardians, the court may, in its discretion, allow the same, upon the oath of any one of them.

SECTION 1372. The words "insane person," are intended to include every idiot, non-compos, lunatic, and distracted person, and the word "spendthrift" is intended to include every one who is liable to be put under guardianship, on account of excessive drinking, gaming, idleness or debauchery; and these words shall be so construed in all the provisions relating to guardians and wards, contained in this or any other statute.

SECTION 1373. When the income of the estate of any person under guardianship, whether as a minor, insane person, or spendthrift, shall be insufficient to maintain the ward and his family, his guardian may sell his real estate for that purpose, upon obtaining a license therefor, and proceeding therein in the manner hereinafter provided.

SECTION 1374. When it shall appear, upon the representation of any such guardian, that it would be for the benefit of his ward that his real estate, or any part thereof, should be sold, and the proceeds thereof be

put on interest, or invested in some productive stock, his guardian may sell the same accordingly, upon obtaining a license therefor, and proceeding therein as hereinafter provided.

SECTION 1375. If the estate is sold for the maintenance of the ward and his family, as provided in section 1358, the guardian shall apply the proceeds of the sale to that purpose, as far as necessary, and shall put out the residue, if any, on interest, or invest it in the best manner in his power, until the capital shall be wanted for the maintenance of the ward and his family, in which case the capital may be used for that purpose, as far as may be necessary, in like manner as if it had been personal estate of the ward.

SECTION 1376. If the estate is sold, in order to put out and invest the proceeds, as provided in section 1374, the guardian shall make the investment according to his best judgment, or in pursuance of any order that may be made relating thereto, by the court granting him the license to sell.

SECTION 1377. In every case of the sale of real estate, as provided in this chapter, the residue of the proceeds, if any, remaining upon the final settlement of the accounts of the guardianship, shall be considered as real estate of the ward, and shall be disposed of among the same persons and in the same proportions, as the real estate would have been, if it had not been sold.

SECTION 1378. Such license, in either of the cases aforesaid, may be granted by any judge of the Supreme Court of law and equity, or by any circuit judge of the island in which the estate intended to be sold lies; but in cases where the ward resides without this kingdom, such license shall be granted only by a judge of the Supreme Court of law and equity.

SECTION 1379. In order to obtain such license, the guardian shall present to the court a petition, setting forth the condition of the estate, and the facts and circumstances on which the petition is founded, tending to show the necessity or expediency of a sale; and if after a full examination, on the oath of the petitioner, or otherwise, it shall appear to

the court, either that it is necessary, or that it would be for the benefit of the ward, that the real estate or any part of it should be sold, the court may grant a license therefor, specifying therein whether the sale is to be made for the maintenance of the ward and his family, or in order that the proceeds may be put out and invested as aforesaid.

SECTION 1380. No such license shall be granted until notice by public advertisement or otherwise, as the court shall order, shall have been given to the next of kin of the ward, and to all persons interested in the estate, to appear and show cause why the same should not be granted.

SECTION 1381. Every guardian licensed to sell real estate as aforesaid, shall, before the sale, give bond to the judge granting the license, with sufficient surety or sureties, with condition to sell the same in the manner prescribed by the judge, and to account for and dispose of the proceeds of the sale, in the manner provided by law.

SECTION 1382. Such guardian shall also, before fixing on the time and place of sale, take and subscribe an oath in substance as follows: That in disposing of the estate which he is licensed to sell, he will use his best judgment, in fixing on the time and place of sale, and that he will exert his utmost endeavors to dispose of the same, in such manner as will be most for the advantage of all persons interested therein.

SECTION 1383. He shall also give public notice of the time and place of sale, by causing notifications thereof to be posted up in the most public places, on the island where the estate to be sold is, and if it be on the island of Oahu, he shall also cause a notice of such sale to be published in the Government Gazette, at least fourteen days previous to the day of sale.

SECTION 1384. A copy of such notification certified by the oath of the guardian, or of the person employed by him to give such notice, being made before any judge of probate, and filed in his office, within one year after the sale, shall be admitted as evidence of the time, place, and manner of giving notice.

SECTION 1385. No license granted in pursuance of this chapter, shall be in force for more than one year after the time of granting the same.

SECTION 1386. When any minor, insane person, or spendthrift, residing without the kingdom, shall be put under guardianship in the country in which he resides, and shall have no guardian appointed in this kingdom, the foreign guardian may file an authenticated copy of his appointment, in the Supreme Court of law and equity, after which he may be licensed by any judge of the said court, to sell the real estate of the ward, in any part of this kingdom, in the same manner and on the same terms and conditions as are prescribed in this chapter, in the case of a guardian appointed in this kingdom, excepting in the particulars hereinafter mentioned.

SECTION 1387. Every foreign guardian, so licensed to sell real estate, shall take and subscribe the oath required in like case of guardians appointed in this kingdom, and shall give notice of the time and place of sale, and conduct the same in the manner prescribed for guardians appointed here, and may perpetuate the evidence of the notice in the same manner.

SECTION 1388. All the proceedings required to be had in any probate court in this kingdom, respecting such sale by a foreign guardian, shall be had in the Supreme Court of law and equity.

SECTION 1389. Upon every such sale by a foreign guardian, the proceeds of the sale, or as much thereof as may remain upon the final settlement of the guardianship, shall be considered as real estate of the ward, and shall be disposed of among the same persons, as the real estate would have been, according to the laws of this kingdom, if it had not been sold; and the foreign guardian shall in every case, before making the sale, give bond, with sufficient surety or sureties, to the judge granting the license to sell, with condition to account for and dispose of the same accordingly.

SECTION 1390. If any person shall appear and object to the granting of any license, prayed for under the provisions of this chapter, and if it shall appear to the court or judge, that either the petition, or the objec-

tion thereto, is unreasonable, they may in their discretion, award costs for the party prevailing in the case.

SECTION 1391. No action for the recovery of any estate, sold by a guardian under the provisions of this chapter, shall be maintained by the ward, or by any person claiming under him, unless it be commenced within five years next after the termination of the guardianship; and no entry shall be made, unless by judgment of law, upon any lands sold as aforesaid, with a view to avoid the sale, after the expiration of the said five years: excepting only, that persons out of the kingdom, and minors and others under any legal disability to sue at the time when the right of action or of entry shall first accrue, may commence their action or make their entry, at any time within five years after the removal of the disability, or after their return to this kingdom.

SECTION 1392. In case of an action relating to any estate, sold by a guardian, under the provisions of this chapter, in which the ward, or any person claiming under him, shall contest the validity of the sale, the same shall not be avoided on account of any irregularity in the proceedings, provided it shall appear:

First, That the guardian was licensed to make the sale, by a judge of competent jurisdiction.

Secondly, That he gave a bond, which was approved by the judge of probate, in case any bond were required by the court, upon granting the license.

Thirdly, That he took the oath prescribed in this chapter.

Fourthly, That he gave notice of the time and place of the sale, as prescribed herein.

Fifthly, That the premises were sold accordingly by public auction, and are held by one who purchased them in good faith.

SECTION 1393. If in relation to such sale, there should be any neglect or misconduct in the proceedings of the guardian, by which any person interested in the estate shall suffer damage, such aggrieved party may recover compensation therefor, in a suit on the guardianship bond, or otherwise, as the case may require.

SECTION 1394. If the validity of any sale, made by a guardian

under the provisions of this chapter, shall be drawn in question by any person claiming adversely to the title of the ward, or claiming under any title, that is not derived from or through the ward, the sale shall not be held void, on account of any irregularity in the proceedings, provided it shall appear that the guardian was licensed to make the sale, by a judge of competent jurisdiction, and that he did accordingly execute and acknowledge, in legal form, a deed for the conveyance of the premises.

SECTION 1395. All sales, exchanges, transfers, gifts and conveyances of any estate or portion of an estate, of any ward of this kingdom, which may have been made by any guardian of such ward, previous to the fourth day of August, A. D. 1851, shall be, and the same are hereby confirmed as legal and valid.

CHAPTER XXX.

OF MASTERS AND SERVANTS.

SECTION 1396. There are two kinds of servants in this kingdom, viz.:

1. Apprentices, that is, those engaged to serve any one in order to learn some art, trade, profession, or other employment.

2. Those who engage to serve by the day, week, month, year, or other fixed time, in consideration of certain wages.

SECTION 1397. All minors above the age of ten years, may be bound as apprentices or servants, if females, to the age of eighteen years, or to the time of their marriage within that age; and if males, to the age of twenty years, in the manner following:

1. By the father of such minor; or, if he be dead, or be incompetent so to do from lunacy, idiocy, habitual drunkenness, or other cause, or if he shall have abandoned and neglected to provide for his family, then,

2. By the mother; if the mother be dead, or incompetent, or if she refuse, then,

3. By the guardian of such minor, duly appointed. If such minor have no parent living, or none competent to bind or apprentice him, or her, and there be no guardian, then,

4. By the governor of the island in which such minor shall reside.

SECTION 1398. No minor shall be bound as aforesaid, unless by a contract of two parts, signed and delivered by both parties; and one part shall be kept for the use of the minor, by his father, mother, guardian or the governor.

SECTION 1399. Every contract for the binding out of any minor as aforesaid, shall contain an agreement on the part of the person to whom

such minor shall be bound, that he will cause such minor to be instructed to read and write, and if a male, will cause him to be further instructed in the general rules of arithmetic.

SECTION 1400. The age of every minor shall be inserted in the contract, and shall be taken to be the true age, without further proof thereof.

SECTION 1401. All considerations of money or other things, paid or allowed by the master, upon any contract of apprenticeship, made in pursuance of the foregoing provisions of this chapter, shall be paid or secured to the sole use of the minor thereby bound.

SECTION 1402. Parents, guardians, and the governors of the respective islands, shall inquire into the treatment of minors bound by them respectively, and of all who shall have been bound by their predecessors in office, and defend them from all cruelty, neglect, misusage, or breach of contract, on the part of their master.

SECTION 1403. If any master shall be guilty of any cruelty, misusage, or violation of the terms of the contract, towards any minor so bound, a complaint may be made by the father, mother, guardian, governor, or minor, to any circuit judge or district justice, of the island in which said master shall reside, who shall have all the requisite powers for hearing and determining such complaint.

SECTION 1404. After a full hearing of the parties, or of the complainant, if the master shall neglect to appear after being duly notified, the magistrate in case the complaint is sustained, may render a judgment that the minor be discharged from his apprenticeship, and for the costs of the suit against the master, and may issue execution accordingly.

SECTION 1405. If it shall appear that the complaint was made without any just or reasonable cause, the magistrate may award costs for the master against the complainant, and issue execution accordingly.

SECTION 1406. Every master shall moreover be liable, whether such

complaint be filed or not, to an action on the contract, for the breach of any covenant on his part therein contained, and all damages recovered in such action shall be the property of the minor.

SECTION 1407. Such action may be brought either by the parent, guardian, or governor, or their successors in the trust of the minor, or by the minor himself after the expiration of the term of apprenticeship or service.

SECTION 1408. No such action shall be maintained unless it be commenced during the term of apprenticeship or service, or within two years after the expiration thereof.

SECTION 1409. If judgment in such action, brought during the term of service or apprenticeship, shall be rendered in favor of the plaintiff, the magistrate may, upon motion of the plaintiff, discharge the minor from his apprenticeship or service.

SECTION 1410. If any apprentice or servant bound as aforesaid shall, without just cause, depart from the service of his master, any district or police justice of the kingdom, upon complaint made under oath by the master, or by any one on his behalf, may issue a warrant to apprehend the apprentice or servant and bring him before the said justice; and if the complaint shall be supported, the justice shall order the offender to be restored to his master, and he shall be compelled to serve double the time of his absence, unless he shall make satisfaction for the loss and injury sustained by such absence: provided, however, that such additional term of service shall not extend beyond one year, next after the end of the original term of service.

SECTION 1411. The justice's warrant, when directed to any officer or other person by name, shall authorize him to convey the offender to the place of residence of the master, although it may be on any other island in the kingdom.

SECTION 1412. All the costs incurred in any such process against a servant or apprentice, shall be paid, in the first instance by the complainant, and if the complaint shall be supported, the master may recover

the amount of such costs in an action against the minor, after he shall arrive at full age.

SECTION 1413. If any such apprentice or servant shall be guilty of any gross misbehavior, or refusal to do his duty, or willful neglect thereof, his master may make complaint thereof to any circuit judge, police or district justice, of the island in which said master shall reside, who shall have all the requisite powers for hearing and determining such complaint.

SECTION 1414. After a full hearing of the parties, or of the complainant alone, if the adverse party neglect to appear after being duly notified, the magistrate, in case the complaint is sustained, may render a judgment that the master be discharged from the contract of apprenticeship or service, and for the costs of the suit; such costs to be recovered of the parent or guardian of the minor, if there be one, who executed the contract, and execution therefor may be issued accordingly; and if there be no parent or guardian liable for such costs, the amount thereof may be recovered in an action against the minor, after he shall have arrived at full age.

SECTION 1415. No contract of apprenticeship or service, made in pursuance of the foregoing provisions of this chapter, shall bind the minor after the death of his master, but the apprentice or servant shall be thenceforth discharged, and the minor may be bound out anew.

SECTION 1416. Any contract of apprenticeship or service, made in pursuance of the foregoing provisions of this chapter, on behalf of a minor, may be made either with a woman or a man, and all the foregoing provisions shall apply as well to mistresses as to masters.

SECTION 1417. Any person who has attained the age of twenty years, may bind himself or herself, by written contract, to serve another in any art, trade, profession or other employment, for any term not exceeding five years.

SECTION 1418. All engagements of service contracted in a foreign country, to be executed in this, unless the same be in contravention of

the laws of this, shall be binding here: provided, however, that all such engagements made for a longer period than ten years, shall be reduced to that limit, to count from the day of the arrival of the person bound, in this kingdom.

SECTION 1419. If any person lawfully bound to service, shall wilfully absent himself from such service, without the leave of his master, any district or police justice of the kingdom, upon complaint made, under oath, by the master, or by any one on his behalf, may issue a warrant to apprehend such person and bring him before the said justice; and if the complaint shall be maintained, the justice shall order such offender to be restored to his master, and he shall be compelled to serve not to exceed double the time of his absence, in the discretion of the court, unless he shall make satisfaction to the master for the loss and injury sustained by such absence: provided, always, that such additional term of service shall not extend beyond one year, next after the end of the original term of service.

SECTION 1420. If any such person shall refuse to serve according to the provisions of the last section, or the terms of his contract, his master may apply to any district or police justice, where he may reside, who shall be authorized by warrant, or otherwise, to send for the person so refusing, and if such refusal be persisted in, to commit such person to prison, there to remain, at hard labor, until he will consent to serve according to law.

SECTION 1421. The justice's warrant or order, mentioned in section 1419, when directed to any officer or other person by name, shall authorize him to convey the offender to the place of residence of the master, although it may be in some other island of the kingdom.

SECTION 1422. All the costs incurred in any process against a servant, under either the 1419th or 1420th sections, shall be paid in the first instance by the complainant, and if the complaint shall be sustained, the master shall have judgment and execution therefor against the offending servant.

SECTION 1423. If any master shall be guilty of any cruelty, misus-

age, or violation of any of the terms of the contract, towards any person bound to service either under the 1417th or 1418th sections, such person may make complaint to any district or police justice, who shall summon the parties before him, examine into, hear and determine the complaint; and if the complaint shall be sustained, such person shall be discharged from all obligations of service, and the master shall be fined in a sum not less than five, nor more than one hundred dollars, and in default of the payment thereof, be imprisoned at hard labor until the same is paid.

SECTION 1424. No contract of service made in pursuance of the 1417th or 1418th sections of this chapter, shall bind the servant after the death of his master: provided, however, that where servants shall be so bound by any company of individuals, the death of any one partner, or the change of partners, in such company, shall not operate to release such servant from the terms of his contract.

SECTION 1425. Nothing in this chapter contained shall be construed to destroy the right of civil action for damages, by the master or servant, for breach of contract.

TITLE 6.—Of Miscellaneous Laws.

CHAPTER XXXI.

OF CORPORATIONS.

Section 1426. Every corporation created, or to be created in this kingdom, shall have power: 1st, to have succession by its corporate name for the period limited in its charter, and when no period is limited, perpetually; 2nd, to sue and be sued in any court; 3d, to make and use a common seal, and alter the same at its pleasure; 4th, to hold, purchase and convey, such real and personal estate, and no other, not exceeding the amount limited by its charter, as the purposes of the corporation shall require; 5th, to appoint such subordinate officers and agents as the business of the corporation shall require; 6th, to make by-laws not inconsistent with any existing law, for the management of its property, the election and removal of its officers, the regulation of its affairs, and the transfer of its stock.

Section 1427. In addition to the powers enumerated in the preceding section, no corporation created under the provisions of this chapter shall possess or exercise any corporate powers, except such as shall be necessary to the exercise of the powers so enumerated, and of such subordinate powers as shall be expressly given in the charter granted as hereinafter provided.

Section 1428. No corporation shall be deemed to possess the power of discounting bills, notes or other evidences of debt, or receiving deposits, or buying gold, silver, bullion or foreign coin, buying and selling exchange, or issuing notes or other evidences of debt, except so far as the exigencies of the particular business for which it was incorporated shall require. Nor shall any corporation, unless authorized by express enact-

ment of the Legislature, issue bills, or other evidences of debt, for circulation as money.

SECTION 1429. At any meeting of any corporation, it shall be lawful for the members, in the transaction of business, to vote either in person or by proxy: provided, that nothing in this section shall be construed to restrain the power of every corporation, to prescribe by its by-laws, the mode of voting at meetings of its trustees, directors, or board of managers.

SECTION 1430. When all the members of any corporation shall be present, either in person or by proxy, at any meeting however called or notified, and shall sign a written consent thereto, on the record of such meeting, the doings of such meeting shall be valid.

SECTION 1431. The members of such corporation so assembled, may elect officers to fill all vacancies then existing, and may act upon such other business as might lawfully be transacted at regular meetings of the corporation.

SECTION 1432. Whenever, by reason of the death, absence, or other legal impediment, of the officers of any corporation, there shall be no person duly authorized to call or preside at a legal meeting thereof, any circuit judge of the island where such corporation is established, may, on written application of four or more of the members thereof, issue an order to either of the said members, directing him to call a meeting of the corporation, by giving such notice as shall be required by the by-laws of the corporation, and the said judge may, in the same order, direct one of the said members to preside at the meeting, and the proceedings of such meeting shall be valid.

SECTION 1433. Whenever the capital stock of any corporation is divided into shares, and the certificates thereof are issued, transfer of the shares may be made by endorsement and delivery of the certificate. The endorsee shall be entitled to a new certificate upon surrendering the old one. And no such transfer shall be valid, except between the parties thereto, until such new certificate shall have been obtained, or the transfer shall have been recorded on the books of the corporation, so as

to show the date of the transfer, the parties thereto, their places of abode, and the number and description of the shares transferred.

SECTION 1434. The directors, or managers, of any incorporated company, shall not make dividends, except from the profits arising from the business of the corporation, nor may they divide, withdraw, or in any way pay away, to the stockholders or to any of them, any part of the capital stock of the company, or reduce the said capital stock, without the consent either of the power granting the charter, or of the Legislature. In case of any violation of the provisions of this section, the trustees, managers, or directors, under whose administration the same may have taken place, shall, in their individual and private capacities, be jointly and severally liable to the corporation and creditors thereof, in the event of its dissolution, to the full amount so divided, withdrawn, paid out or reduced: provided, that nothing in this section contained shall prevent a distribution and division of the balance of the capital stock, remaining after payment of all its debts, or dissolution of the company, or expiration of its charter.

SECTION 1435. Where the whole capital of a corporation, shall not have been paid in, and the capital paid shall be insufficient, to satisfy the claims of its creditors, each stockholder shall be bound to pay on each share held by him, the sum necessary to complete the amount of such share as fixed by the charter of the company, or such proportion of that sum as shall be required to satisfy the debts of the company.

SECTION 1436. All the property of any corporation, which may be created in virtue of this chapter, shall be liable for the just debts thereof, but no stockholder shall be liable for the debts of the corporation, beyond the amount of what may be due upon the share or shares held or owned by him.

SECTION 1437. The amount of debts which any corporation shall owe, shall at no time exceed the amount of its capital stock.,

SECTION 1438. In every joint stock company incorporated under the provisions of this chapter, it shall be the duty of the trustees, as managers or directors of such company, to cause a book to be kept for regis-

tering the names of all persons, who are, or shall become stockholders of the corporation, and showing the number of shares of stock held by them respectively, and the time when they respectively became the owners of such shares, which book during the usual business hours of the day, on every day, except Sundays and national holidays, shall be open for the inspection of the stockholders and creditors, and it shall be the duty of the clerk or the person having the charge thereof, to give a certified transcript of anything therein contained, to any stockholder or creditor of the corporation, applying therefor; such transcript shall be legal evidence of the facts therein set forth, in any suit by or against the corporation.

SECTION 1439. Any corporation wishing to dissolve and disincorporate itself, before the expiration of its charter, may present a petition to the Minister of the Interior, together with a certificate setting forth that at a meeting of the stockholders, or members, called for that purpose, it was decided, by a vote of three fourths of the members or stockholders, to dissolve and disincorporate the corporation, which certificate shall be signed by the presiding officer and secretary of such meeting. The minister shall enter such petition and certificate of record in his office, and after sixty days notice, by publication in Hawaiian and English, in such manner as he shall deem most effectual, shall proceed to consider the same, and when satisfied that the vote certified has been truly taken, and that all claims against the corporation are discharged, shall declare such corporation dissolved.

SECTION 1440. Upon the annulment of the charter of any corporation, or upon its dissolution by expiration of its charter, or otherwise, unless other persons shall be appointed by the Legislature, the Minister of the Interior, or by some court of competent authority, the directors or managers of the corporation, by whatever name known in law, shall be trustees for the creditors and stockholders, with full powers to settle the affairs of the corporation. Under the name of trustees of such corporation, they may by suit or otherwise, collect and pay the outstanding debts, and divide among the stockholders the moneys and other properties that shall remain after payment of the debts and necessary expenses. And they shall be jointly and severally liable to the creditors and to the stockholders, to the extent of the corporation property which shall come into their hands.

SECTION 1441. Every corporation not eleemosynary, religious, literary or educational, shall annually present a full and accurate exhibit of the state of its affairs, to the Minister of the Interior, at such times as the minister shall direct. The said minister shall have power, either himself, or by one or more commissioners appointed by him, to call for the production of the books and papers of the corporation, and to examine its officers, members, and others touching its affairs, under oath. The annual reports above mentioned, and the results of such examination, the minister may in his discretion lay before the King in Privy Council, and also publish. In case any such corporation shall refuse to produce its books and papers, upon the request of the Minister of the Interior, or the commissioners appointed by him, or in case any of the officers or members of such corporation, shall refuse to be examined on oath, touching the affairs of the corporation, then the Minister of the Interior, or the commissioners, may apply to the court of chancery for an order to compel the production of the books and papers, or the examination of such officers or members of the corporation, obedience to which order may be enforced by said court, in like manner with its ordinary decrees and orders.

SECTION 1442. The Minister of the Interior shall have full power, subject to the provisions and conditions of this chapter, in his discretion, by and with the advice and consent of the King in Privy Council, to grant charters of incorporation, for agricultural, commercial and manufacturing purposes, and for cemetery associations, as well as to charter other incorporations, either aggregate or sole, ecclesiastical or lay, banking and municipal corporations alone excepted, which shall be chartered only by the Legislature.

SECTION 1443. The Minister of the Interior, with the consent of the King in Privy Council, shall also have power on the expiration of any charter, to renew the same, on application to him for that purpose by two thirds of the stockholders of such company, and a satisfactory explanation to him of the state of its affairs.

SECTION 1444. Nothing in this chapter contained shall be construed to authorize the Minister of the Interior, as before provided, without the authority of the Legislature, to grant any charter which shall in terms

institute a monopoly for a longer term than five years, of any business or occupation; nor may he grant perpetual charters, without such authority, to any corporations, except to those for eleemosynary, literary, educational or ecclesiastical purposes, or for cemetery associations.

SECTION 1445. Application to the Minister of the Interior for any charter of incorporation, shall be made by written petition, accompanied by proofs that three-fourths of the shares have been subscribed for; and in the case of joint stock companies, there shall, in addition to such petition, be also filed at the same time in the office of the minister, a certificate, setting forth the location of the proposed company; the object of the incorporation, the amount of stock proposed, and, if the privilege of subsequent extension of the capital stock is asked for, the limit of that extension; the purposed duration of the company; the time within which it is to organize; whether the liability of stockholders is proposed to be limited to the amount of their stock, or otherwise; and also whether the whole or any part of the capital stock is to be paid in before commencing operations, and if part, what part.

SECTION 1446. The shares of the several members in the stock of any incorporated company, whether owning real estate or otherwise, shall be deemed in law, personal property.

CHAPTER XXXII.

OF THE DESCENT OF PROPERTY, BOTH REAL AND PERSONAL.

SECTION 1447. Whenever any person shall die intestate, within this kingdom, his property both real and personal, of every kind and description, shall descend to and be divided among his heirs, as hereinafter prescribed.

SECTION 1448. The property shall be divided equally among the intestate's children, and the issue of any deceased child by right of representation, and if there is no child of the intestate living at his death, his estate shall descend to all his other lineal descendants; and if all the said descendants are in the same degree of kindred to the intestate, they shall share the estate *per capita*, that is, equally; otherwise they shall inherit *per stirpes*, that is, by each of the children taking a share, and the grand children, the children of a deceased child taking a share, to be afterwards divided among themselves: as, for example, if A dies, leaving P and E sons, and K a daughter, then the estate will be divided equally between the three children, they being all of one degree of kindred to the intestate; or, if A dies, leaving no children, but P, E and K, grandchildren, then the estate will be equally divided between these three, they being all of one degree of kindred to the intestate; again, if A dies leaving P, a son, and K and I the children of his deceased child E, then P will inherit one half of the estate, and K and I will take the other half between them, that being the share to which their father E would have been entitled had he been living:

If the intestate shall leave no issue, his estate shall descend one half to his widow, and the other half to his father and mother as tenants in common; and if he leave no widow, nor issue, the whole shall descend to his father and mother, or to either of them if only one be alive:

If he shall leave no issue, nor father, nor mother, his estate shall descend one half to his widow, and the other half to his brothers and sisters, and to the children of any deceased brother or sister by right of representation:

If he shall leave no issue, nor father or mother, and no brother or sister, his estate shall descend one half to his widow, if any, and one half to the brothers and sisters of his father and mother, and to their children and heirs by right of representation; and if he leave no widow, then such collateral heirs shall inherit the whole estate: provided, always, that if the estate come through either parent, the brothers and sisters of that parent shall be preferred to the others:

If the intestate shall have been married, and leave no kindred but a widow, then she shall inherit all his estate; and if the intestate be a woman, and leave no kindred but her husband, then he shall inherit all her estate.

SECTION 1449. If the intestate shall die leaving several children, or leaving one child, and the issue of one or more others, and any such surviving child shall die under age, and not have been married, all the estate that came to the deceased child by inheritance from such deceased parent, shall descend in equal shares to the other children of the same parent, and to the issue of any such other deceased children, who shall have died, by right of representation.

SECTION 1450. If at the death of such child who shall die under age, and not having been married, all the other children of his said parent shall be also dead, and any of them shall have left issue, the estate that came to such child by inheritance from his said parent, shall descend to all the issue of the other children of the same parent: and if all the said issue are in the same degree of kindred to the said child, they shall share the said estate equally: otherwise they shall take according to the right of representation.

SECTION 1451. If the intestate leave no kindred, his estate shall escheat to the Hawaiian Government.

SECTION 1452. Every illegitimate child shall be considered as an heir to his mother, and shall inherit her estate, in whole or in part, as

the case may be, in like manner as if he had been born in lawful wedlock.

SECTION 1453. If any illegitimate person shall die intestate, without leaving lawful issue or a widow, his estate shall descend to his mother; but if he leave a widow, she shall inherit one half, and his mother the other half, and if his mother be not living, but his widow is, then the widow shall take the whole; otherwise, his estate shall escheat to the Hawaiian Government.

SECTION 1454. The kindred of the half blood shall inherit equally with those of the whole blood in the same degree: provided, however, that where the inheritance came to the intestate by descent, devise, or gift, of some one of his ancestors, all those who are not of the blood of such ancestor, shall be excluded from such inheritance.

SECTION 1455. When any part of the property left by the intestate consists of real estate, and the same is to be divided among several children, then the eldest child may, after the property has been duly appraised by a court of probate, elect to pay to the others the amount of their shares in money, in order that the land may not be divided; and the same rule shall apply where a part of the claimants are the children and the rest are the issue of deceased children of the intestate.

SECTION 1456. Posthumous children shall, in all cases, inherit the same as if they had been born during their father's lifetime.

SECTION 1457. If any child of an intestate shall have been advanced by him, by settlement or portion of real or personal estate, or of both of them, the value thereof shall be reckoned for the purposes of this section only, as part of the real and personal estate of such intestate, descendible to his heirs, and to be distributed to his next of kin, according to law. And if such advancement be equal or superior to the amount or share which such child would be entitled to receive, of the real and personal estate of the deceased, as above reckoned, then such child and his descendants shall be excluded from any share in the real and personal estate of the intestate.

SECTION 1458. But if such advancement be not equal to such share,

such child and his descendants shall be entitled to receive so much only, of the personal estate, and to inherit so much only of the real estate of the intestate, as shall be sufficient to make all the shares of the children, in such real and personal estate and advancement, to be equal as near as can be estimated.

SECTION 1459. The value of any real or personal estate so advanced, shall be deemed to be that, if any, which was acknowledged by the child by an instrument in writing; otherwise, such value shall be estimated according to the worth of the property when given.

SECTION 1460. The maintaining or educating, or the giving money to a child, without a view to a portion or settlement in life, shall not be deemed an advancement.

SECTION 1461. It shall not be requisite that the intestate shall have been in actual possession of the property; it is sufficient if he had a good claim to it at the time of his death.

SECTION 1462. The word "issue," as used in this chapter, includes all the lawful lineal descendants of the ancestor.

CHAPTER XXXIII.

OF WILLS.

SECTION 1463. Every person of full age, and of sound mind, may dispose of his estate, both real and personal, by will.

SECTION 1464. Any married woman may dispose, by will, of all property belonging to her in her own right, in like manner as a person under no disability might do.

SECTION 1465. No will, (except such nuncupative wills as are mentioned in this chapter) shall be valid, unless it be in writing and signed by the testator, or by some person in his presence and by his express direction, and attested by two or more competent witnesses subscribing their names to the will, in the presence of the testator.

SECTION 1466. If the subscribing witnesses to a will are competent at the time of attesting its execution, their subsequent incompetency, from whatever cause it may arise, shall not prevent the probate and allowance of the will, if it be otherwise satisfactorily proved.

SECTION 1467. All beneficial devises, legacies, and gifts whatever, made or given in any will to a subscribing witness thereto, shall be void, unless there are two other competent subscribing witnesses to the same, but a mere charge on the estate of the testator for the payment of debts, shall not prevent his creditors from being competent witnesses to his will.

SECTION 1468. But if such witness, to whom any beneficial devise, legacy, or gift, is made or given, would have been entitled to any share of the estate of the testator, in case the will had not been established,

then so much of the share as would have descended or been distributed to such witness, as will not exceed the devise or bequest made to him in the will, shall be saved to him, and he may recover the same of the devisees or legatees named in the will, in proportion to and out of all the parts devised or bequeathed to them.

SECTION 1469. Every devise, purporting to be a devise of all the real or personal estate of the testator, shall be construed to convey all the real or personal estate belonging to him at the time of his decease, unless it shall clearly appear by the will, that he intended otherwise.

SECTION 1470. No written will shall be revoked, unless by burning, tearing, canceling, or obliterating the same, with the intention of revoking it, by the testator or by some person in his presence, and by his direction, or by some other will in writing, executed as prescribed in this chapter; but nothing contained in this section shall prevent the revocation implied by law, from subsequent changes in the condition or circumstances of the testator.

SECTION 1471. If, after the making of any will, the testator shall duly make and execute a second will, the destruction, canceling, or revocation of such second will, shall not revive the first will, unless after such destruction, canceling, or revocation, the first will shall be duly republished.

SECTION 1472. If, after the making of a will, the testator shall marry and shall have a child born to him, and no provision shall be made in the will for such contingency, such marriage and birth shall operate as a revocation of such will.

SECTION 1473. A will, executed by an unmarried woman, shall be deemed revoked on her subsequent marriage, and shall not be revived by the death of her husband.

SECTION 1474. No written will shall be allowed to be proved, after the expiration of five years from the death of the testator: provided, however, that where any minor is interested in the estate, one year shall be allowed after his arrival at full age, to cause such will to be proved and allowed.

SECTION 1475. The term "will," as used in this chapter, shall be so construed as to include all codicils as well as wills.

SECTION 1476. Nothing contained in this chapter shall be so construed as to conflict with the law relating to dower.

CHAPTER XXXIV.

OF CERTAIN SPECIFIC RIGHTS OF THE PEOPLE.

SECTION 1477. Where the landlords have obtained, or may hereafter obtain, allodial titles to their lands, the people on each of their lands shall not be deprived of the right to take firewood, house-timber, aho cord, thatch, or ki leaf, from the land on which they live, for their own private use, but they shall not have a right to take such articles to sell for profit. The people shall also have a right to drinking water, and running water, and the right of way. The springs of water, running water, and roads, shall be free to all, on all lands granted in fee simple: provided, that this shall not be applicable to wells and water-courses, which individuals have made for their own use.

SECTION 1478. All wood of any description which may drift on to the beach of any part of this kingdom, shall be the property of the finder, and any one finding such drift-wood may take the same for his own private use, without paying a share to the government: provided, however, that this section shall not be construed to apply to any vessel wrecked or stranded on any part of the shores of this kingdom.

SECTION 1479. The government reefs shall be free for the use of the people. Whoever, being a Hawaiian subject, shall desire coral or sand from the government reefs and lands, may freely take the same, either for his own use, or for sale or exportation: provided, that this section shall not apply to the government domain in Honolulu, or Lahaina, or to any other reefs that may, from time to time, be set apart by the Minister of the Interior for the use of the government.

CHAPTER XXXV.

OF THE INTEREST OF MONEY.

SECTION 1480. When there is no express contract in writing, fixing a different rate of interest, interest shall be allowed at the rate of twelve per cent. per annum, for all moneys after they become due on any bond, bill, promissory note, or other instrument of writing, for money lent, for money due on the settlement of accounts, from the day on which the balance is ascertained, and for money received to the use of another, from the date of a demand made.

SECTION 1481. Interest at the rate of twelve per cent. per annum, and no more, shall be allowed on every judgment, recovered before any court in this kingdom, in any civil suit.

SECTION 1482. It shall in no case be deemed unlawful to stipulate, by written contract, for any rate of interest, not exceeding two and one half per cent. per month, provided the contract to that effect be signed by the party to be charged therewith.

SECTION 1483. No action shall be maintainable, in any court of this kingdom, to recover a higher rate of interest than two and one half per cent. per month, upon any contract made in this kingdom: provided, however, that this section shall not be held to apply to contracts for money lent upon bottomry bonds, or upon other maritime risks.

SECTION 1484. No action shall be maintainable, in any court of this kingdom, to recover compound interest upon any contract whatever.

CHAPTER XXXVI.

OF AMERICAN DIMES AND HALF DIMES.

SECTION 1485. The American dime is a current coin of this kingdom, at the value of ten dimes for one dollar, and the half dime, at the value of twenty half dimes for one dollar; and dimes and half dimes, if tendered, are to be received at that value, in all payments not exceeding five dollars: and in all payments exceeding five dollars, and not exceeding one hundred, in the proportion of ten for every hundred; and in all payments exceeding one hundred, and not exceeding one thousand dollars, in the proportion of eight for every hundred; and in the proportion of five for every hundred in all payments exceeding one thousand dollars.

SECTION 1486. All other foreign coins current in the kingdom, may be received at the treasury at such rates as the Minister of Finance, with due regard to the interests of the public service, and with the consent of the King in Cabinet Council, shall determine, or be altogether refused, in his discretion, with such consent.

CHAPTER XXXVII.

OF LEGAL MAJORITY.

SECTION 1487. All male persons residing in this kingdom, who shall have attained the age of twenty years, and all females who shall have attained the age of eighteen years, shall be regarded as of legal age, and their period of minority to have ceased.

CHAPTER XXXVIII.

OF INJURIES FROM DOGS.

SECTION 1488. If any dog shall injure or destroy any sheep or cattle, goats, hogs, fowls, or other property, belonging to any person other than the owner of such dog, the owner shall be liable in damages to the person injured, for the value of the property so injured or destroyed; and it shall be the duty of the owner to confine or destroy such dog, and if he neglect or refuse to do so, he shall in the event of any further damage being done to the person, or property of any person, by such dog, in addition to paying the person injured for such damage, pay the costs of the trial, together with a fine of ten dollars, or in default of the payment of such fine, be imprisoned at hard labor for the term of thirty days, and it shall be lawful for any other person to destroy said dog.

CHAPTER XXXIX.

OF CERTAIN LAWS EXPRESSLY RE-ENACTED.

SECTION 1489. The following laws are hereby expressly re-enacted, viz.:

"An Act relating to the lands of His Majesty the King, and of the Government," passed on the 7th day of June, A. D. 1848, except the last clause thereof setting apart certain lands for the use of the Fort in Honolulu.

"An Act to abolish the disabilities of aliens to acquire and convey lands in fee simple," passed on the 10th day of July, A. D. 1850; and,

"An Act to amend an Act entitled, an Act to abolish the disabilities of aliens to acquire and convey lands in fee simple," approved on the 28th day of June, A. D. 1854.

CHAPTER XL.

OF STATUTES FOR WHICH THE CIVIL CODE IS SUBSTITUTED.

SECTION 1490. No law which has been heretofore repealed, shall be revived by the repeal, contained in this chapter, of any of the statutes hereinafter mentioned.

SECTION 1491. From and after the day upon which the provisions of this Code shall take effect, the following statutes shall be considered as repealed, viz.:

"An act to organize the executive ministry of the Hawaiian Islands," passed on the 29th day of October, A. D. 1845;

"An act to organize the executive departments of the Hawaiian Islands," passed on the 27th day of April, A. D., 1846, except section 13th, of article 1st, chapter 2d, part 5th, and article 2d of chapter 2d, part 1st, of said act;

The "Joint resolution to carry into effect the sixth articles of the treaties concluded at Honolulu, between the Government of the Hawaiian Islands and the Governments of France and Great Britain, 26th March, 1846, in relation to brandies, wines, and other spirituous liquors," passed on the 3d day of April, A. D. 1846;

The "Joint resolution in relation to the duties imposed 3d April, 1846, on the importation of spirituous liquors," passed on the 10th day April, A. D. 1846;

"An act to organize the judiciary department of the Hawaiian Islands," passed on the 7th day of September, A. D. 1847;

"The joint resolutions respecting awa," passed on the 6th day of August, A. D. 1846;

"An act to alter the districts of the Island of Oahu," passed on the 12th day of October, A. D. 1846;

"Resolutions for the releasing of certain persons from the labor tax, and from other taxes," passed on the 12th day of October, A. D. 1846;

"Joint resolutions on the subject of rights in lands and the leasing, purchasing and dividing of the same," passed on the 7th day of November, A. D. 1846;

"Joint resolutions respecting estrays," passed on the 7th day of November, A. D. 1846;

"Joint resolution to amend an act, entitled, an Act to organize the executive departments of the Hawaiian Islands," passed on the 4th day of May, A. D. 1847;

"Joint resolutions to encourage the visits of whalers," passed on the 15th day of June, A. D. 1847;

"An act to alter and amend the law of marriage," passed on the 7th day of September, A. D. 1847;

"An act to restrain Hawaiian subjects from abandoning their families," passed on the 27th day of September A. D. 1847;

"An act relating to the Director of the Government Press," passed on the 27th day of September, A. D. 1847;

"An act to regulate and explain the law of taxation," passed on the 29th day of September, A. D. 1847;

All the acts and joint resolutions passed in the year 1848, except the following, viz.:

"An act relating to the lands of His Majesty the King, and of the Government," passed on the 7th day of June, A. D. 1848;

And "An act extending the powers of the Board of Commissioners to quiet land titles," passed on the 13th day of June, A. D. 1848;

"An act to provide for the better support and greater efficiency of the public schools," passed on the 9th day of July, A. D. 1850;

"An act respecting the pilotage to be levied on whaleships," passed on the 10th day of July, A. D. 1850;

"An act granting exemption from duties, for the encouragement of agriculture," passed on the 10th day of July, A. D. 1850;

"An Act to extend the jurisdiction of the Superior Court and of Police Justices of Honolulu and Lahaina," passed on the 10th day of July, A. D. 1850;

"An act to provide for the appointment of clerks for the circuit courts," passed on the 10th day of July, A. D. 1850;

"An act relating to the Registrar of Conveyances," passed on the 10th day of July, A. D. 1850;

"An act to amend the existing law of marriage," passed on the 10th day of July, A. D. 1850;

"An act to prohibit natives from leaving the Islands," passed on the 2d day of July, A. D. 1850;

"An act to regulate the circulation of American dimes and half dimes," passed on the 11th day of July, A. D. 1850;

"An act providing for the Seminary at Lahainaluna," passed on the 11th day of July, A. D. 1850;

"An act opening the ports of Hilo, Kawaihae and Kealakeakua, on the Island of Hawaii, and of Waimea, on the Island of Kauai, to foreign commerce," passed on the 16th day of July, A. D. 1850;

"An act to regulate the election of representatives of the people," passed on the 30th day of July, A. D. 1850;

"An act to increase the number of the representatives of the people in the Legislative Council," passed on the 30th day of July, A. D. 1850;

"An act abolishing the payment of taxes in produce," passed on the 6th day of August, A. D. 1850;

"An act for the government of masters and servants," passed on the 21st day of June, A. D. 1850;

"An act upon the subject of diplomatic privileges and exemptions," passed on the 11th day of July, A. D. 1850;

"An act amending the laws respecting harbor dues," passed on the 16th day of July, A. D. 1850;

"An act to regulate the descent of property, both real and personal," passed on the 6th day of August, A. D. 1850;

"An act relating to the enlistment of native sailors," passed on the 6th day of August, A. D. 1850;

"An act to regulate boats plying for hire in the harbor of Honolulu," passed on the 6th day of August, A. D. 1850;

"An act to amend the law relating to the issue of passports," passed on the 6th day of August, A. D. 1850;

"An act to amend the law relating to the land tax," passed on the 7th day of August, A. D. 1850;

"An act relating to the labor tax on roads and like public works," passed on the 8th day of August, A. D. 1850;

"An act to provide for the appointment of a circuit judge for the Island of Molokai," passed on the 9th day of August, A. D. 1850;

"An act to render uniform the districts for educational and taxation

purposes, and for subdividing said districts into townships," passed on the 7th day of August, A. D. 1850;

"An act relating to the registry of births, deaths and marriages," passed on the 7th day of August, A. D. 1850;

"An act amending the law relating to the King's Chamberlain," passed on the 14th day of August, A. D. 1850;

All the acts and joint resolutions passed and approved in the year 1851; except the joint resolution forbidding the retail of intoxicating liquors at any other place except Honolulu, approved on the 20th June, 1851.

All the acts and joint resolutions passed and approved in the year 1852, except the following, viz.:

"An act making known members received into the House of Nobles," approved on the 12th day of May, A. D. 1852;

"An act to prevent the carrying of deadly weapons," approved on the 25th day of May, A. D. 1852;

"An act providing for reciprocal duties on certain articles with the United States of North America," passed on the 25th day of May, A. D. 1852;

"An act abolishing the punishment of women who become pregnant by fornication or adultery," approved on the 19th day of June, A. D. 1852;

"An act to provide for the appointment of a vice-president of the land commission," approved on the 19th day of June, A. D. 1852;

"An act relating to land titles of konohikis," approved on the 19th day of June, A. D. 1852;

"An act relating to the sale of intoxicating liquors on the Sabbath," approved on the 22d day of June, A. D. 1852;

"An act to abolish the law of illicit cohabitation, approved on the 22d day of June, A. D. 1852;

"Joint resolution granting the Ili of Kahapaakai to the late King," approved on the 22d day of July, A. D. 1852;

All the acts and joint resolutions passed and approved in the year 1853, except the following, viz.:

"An act relating to the Board of Commissioners to quiet land titles," approved on the 26th day of May, A. D. 1853;

"An act providing for the trial of different degrees of certain offenses under one indictment," approved on the 16th day of June, A. D. 1853;

"An act to remove from the police and district courts the jurisdiction in cases of larceny in the second degree," approved on the 6th day of July, A. D. 1853;

"Joint resolution authorizing the Secretary at War to dispose of cannon and other arms," approved on the 2d day of November, A. D. 1853;

All the acts and joint resolutions passed and approved in the year 1854, except the following, viz.:

"An act for the relief of His Majesty and the members of the Privy Council," approved on the 29th day of April, A. D. 1854;

"An act to regulate the retailing of intoxicating drinks in the city of Honolulu," approved June 23d, 1854;

"An act to remove all disabilities of aliens by reason of not obtaining certificates of nationality," approved on the 28th day of June, A. D. 1854;

"An act to provide for the dissolution of the Board of Commissioners to quiet land titles," approved on the 20th day of July, A. D. 1854;

"An act for the relief of certain konohikis," approved on the 10th day August, A. D. 1854;

And the "Joint resolution for the relief of John Ricord."

All the acts and joint resolutions passed and approved in the year 1855, except the following, viz.:

"An act to incorporate the Honolulu Sailors' Home Society," approved on the 7th day of May, A. D. 1855;

"An act to amend the law relating to appeals from the Board of Commissioners to quiet land titles," approved on the 14th day of June, A. D. 1855;

"An act to authorize the Minister of Finance to negotiate a loan," approved on the 25th day of June, A. D. 1855;

"Joint resolution for the relief of the estate of His late Majesty Kamehameha III.," approved on the 27th day of June, A. D. 1855;

All the acts and joint resolutions passed and approved in the year 1856, except the following, viz.:

"An act to authorize the purchase or construction of an inter-island steamer," approved on the 2d day of May, A. D. 1856;

And all other laws now existing which are in conflict with the provisions of this Code; saving and excepting, however, all the existing laws relating to military and the department of war.

CHAPTER XLI.

GENERAL PROVISIONS.

SECTION 1492. This Code shall take effect and become the law of the land, on the first day of August, A. D. 1859; but that there may be no failure of justice, or embarrassment to His Majesty's Government, from any change, all officers of this kingdom, at the time this Code shall take effect, shall have, hold, and continue to exercise all the powers granted to them, as at present, until other persons shall be appointed in their stead, or until other necessary changes shall be made.

SECTION 1493. If at any time a radical and irreconcilable difference, shall be found to exist between the English and Hawaiian versions of any part of this Code, the English version shall be held binding.

SECTION 1494. All official and departmental fees, received under the provisions of this Code, shall be accounted for and paid over into the public treasury, except fees designated and intended to be applied in compensation of the officers receiving the same. And no public officer in receipt of a salary for his services, shall receive any other or further compensation therefor, unless specially allowed by law.

APPROVED this 17th day of May, A. D. 1859.

KAMEHAMEHA.

KAAHUMANU.

APPENDIX

TO THE CIVIL CODE,

COMPRISING LAWS NOT EXPRESSLY REPEALED, OR EXPRESSLY RE-ENACTED, BY THE PROVISIONS OF THE CIVIL CODE; THE SESSION LAWS PASSED BY THE LEGISLATURE IN 1858-9; AND TREATIES BETWEEN THE HAWAIIAN ISLANDS AND FOREIGN COUNTRIES.

LAWS NOT EXPRESSLY REPEALED.

ARTICLE 2, OF CHAPTER 2, PART FIRST, OF THE ACT TO ORGANIZE THE EXECUTIVE DEPARTMENTS—OF THE VENDERS OF SPIRITUOUS LIQUORS.

SECTION 1. The Minister of the Interior shall have power to grant a wholesale vending license for spirituous liquors, to any wholesale merchant applying therefor in writing, under oath, and stating in his application the name of the vender; where the applicant intends to establish his place of business; and whether such wholesale vending is intended to be conducted with the applicant's own capital, or upon commission.

SECTION 2. The wholesale vending of spirituous liquors, shall consist of selling the same in quantities not less than five gallons, and in the packages as originally imported. Wines, ale, and other liquors containing alcohol, are comprehended in this article.

SECTION 3. Before granting such wholesale license to vend spirituous liquors, the applicant shall pay for the use of the royal exchequer, twenty-five dollars, and give a bond to the Minister of the Interior, in the penalty of five hundred dollars, with at least one sufficient surety, to be

approved by said minister; which bond shall always be upon the following condition, and in the following form, viz.:

KNOW ALL MEN BY THESE PRESENTS, That we —— principal, and —— surety, residing at ——, in the island of ——, Hawaiian Islands, are held and firmly bound unto His Highness ——, Minister of the Interior, for the use of the Hawaiian Government, in the penal sum of five hundred dollars, lawful money, to be levied of our respective joint and several property, in case the condition herein set forth shall be violated. For the just and full payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Sealed with our seals, and dated this —— day of ——, 18—.

The condition of the above obligation is, that whereas the above bounden ——, principal, wholesale merchant, has this day made application as required by law, for a license to sell spirituous liquors by wholesale, for the term of one year from the date hereof. Now if he shall not, during the continuance of his license, sell or dispose of the same to any person or persons at retail, but shall, in disposing thereof, confine himself and all those acting in his behalf to the minimum quantity of five gallons, or the package as originally imported, and if he shall not, during the continuance of his license keep, or suffer to be kept, at his place of business, a noisy or disorderly house, or promote by such wholesale dealing, any disturbance of the public peace and tranquility, then this obligation to be void; otherwise, upon proof being made to the satisfaction of a common magistrate, without the intervention of a jury, the penalty mentioned in the above bond shall be forfeited, and the license upon which it is predicated shall be revoked.

Given under our hands and seals, the day and year above written.

—— ——, (L. S.)

—— ——, (L. S.)

SECTION 4. Upon a violation of any of the above conditions of his bond, by any wholesale vender of spirituous liquors, it shall be the duty of the Minister of the Interior to pass said bond over to His Majesty's attorney general, for enforcement against the delinquent parties, both principal and surety, with such information as has come to his knowledge in regard to any such violation.

SECTION 5. The Minister of the Interior shall have power in like manner to grant licenses to retail spirituous liquors by the bottle or glass, but at no place not previously approved by the Privy Council, and at no place at which the entry of merchant vessels is forbidden by law; which licenses shall not be granted until after the right thereto has been offered at public vendue to the highest bidder, in the following manner:

The Minister of the Interior shall, before the expiration of the respective

retail licenses of the preceding period, cause a public notice to be inserted in the Polynesian newspaper, that on a day to be decided upon by him, not less than one week after the date of said notice, the retail licenses will be exposed to sale, naming the time and place, and that the highest bidders will be entitled to receive licenses according to law, upon their complying with the requisitions of the succeeding section.

SECTION 6. The highest bidders at such sales, unless deemed unworthy by the Privy Council, upon suggestion of the Minister of the Interior, shall be entitled to licenses upon presenting to said minister certificates from the auctioneer by whom they were sold, stating the amount bid, and that the holder has paid the purchase money to such auctioneer. Before issuing any such license, the approved highest bidder shall enter into bond, with sufficient surety, to be approved by said minister, in the like form and penalty as prescribed in the third section of this article, but the condition of which bond shall be in the following words, viz.:

The condition of this obligation is, That whereas the above bounden ——, principal, has this day become entitled to a license for retailing spirituous liquors at ——, in the island of ——, for the term of ——, from the date hereof; now if he shall not, during the continuance of his license, sell or furnish the same to any native subjects of these islands, nor keep nor suffer to be kept at his place of retailing, a noisy or disorderly house, nor promote by such retailing any disturbance or breach of the public peace and tranquility; and if he shall not contribute by such retailing, to any violation of the laws of this kingdom, nor violate any of the conditions of the license, copy of which is annexed, then this obligation to be void; otherwise, upon proof being made to the satisfaction of a common magistrate, without the intervention of a jury, as prescribed in the act to organize the judiciary, the penalty mentioned in the above bond shall be forfeited, and the license upon which it is founded shall be revoked.

SECTION 7. The licenses above directed to be given, as well for the wholesaling as for the retailing of spirituous liquors, shall be signed by the Minister of the Interior, and impressed with the seal of his department.

SECTION 8. Retailing of spirituous liquors shall be regulated more definitely by the terms of the licenses, and shall never exceed in quantity five gallons. The Minister of the Interior may prescribe in the licenses definite rules and regulations to be observed by the venders.

SECTION 9. The Minister of the Interior shall keep in a book of licenses, the names of all licensed venders of spirituous liquors throughout the kingdom; their respective places of abode; the character of the licenses given them; and the amount of license money paid by each, together with the date of each license. It shall be his special duty, from time to time, to pay over to the Minister of Finance all license money by him received, under the provisions of this article.

SECTION 10. Any person violating the provisions of this article by vending spirituous liquors, either at wholesale or at retail, without having previously obtained a license as herein provided, shall, on conviction, forfeit and pay to the government for each offense, five hundred dollars, and may be imprisoned, not exceeding six months, in the discretion of the court.

SECTION 11. The Minister of the Interior shall have power in case of the modification or annulment of any subsisting treaty stipulation entered into by this government with any other nation, requiring the sale of spirituous liquors in this kingdom, (*which may God grant,*) to issue his proclamation, discontinuing prospectively the vending thereof at retail, and the further issuing of licenses for that purpose; the prohibition upon alcoholic drinks having been previously declared by the Minister of Finance, as prescribed in the third part of this act.

SECTION 12. The Prefect of Police shall in person or by proxy, inspect all places licensed to vend spirituous liquors under this law.

SECTIONS 3, 4, 5, 6 AND 7, OF ARTICLE 5, CHAPTER 4, PART FIRST, OF THE ACT TO ORGANIZE THE EXECUTIVE DEPARTMENTS.

SECTION 3. All male subjects of His Majesty, between the ages of eighteen and forty years, shall be liable to do military duty in the respective islands where they have their most usual domicil, whenever so required by proclamation from the governor thereof. They shall rendezvous at such place and at such time as said governor shall, in and by

his proclamation direct, upon the pains and penalties to be prescribed in the criminal code of this kingdom.

SECTION 4. The governor shall have power to excuse any subject residing in his island, liable to do military duty, on account of sickness or any other bodily infirmity, and not otherwise, from the military service required by his proclamation. Every subject liable to do military duty as aforesaid, who shall neglect or refuse to report himself at rendezvous, pursuant to the governor's proclamation, shall be punishable as in the criminal code prescribed, for desertion: provided, that the following persons shall be exempt from military duty, viz.: All professed ministers of the Christian religion, of every denomination; all teachers of youth, holding the certificates required by the fourth part of this act, and actually employed as such in some of the school districts thereby created; all members of the Privy Council of state, and all heads of bureaux in the respective executive departments; all members of the houses of nobles and representatives, when in actual session as a legislative body; all judges and justices of the respective courts of this kingdom; all sheriffs; all notaries public; all registers of wills and conveyances; all collectors of the customs; all poundmasters, and all civil constables in the respective islands.

SECTION 5. The governors shall be commanders-in-chief of the military power in their respective islands, with the military title of general. They shall have power to nominate for appointment by the King, through the Minister of the Interior, their military staffs respectively, and all officers necessary to the operations in prospect. They shall have power to constitute courts martial for the trial of military offenders, and to confirm or reverse their sentences. They shall have power to direct and control the movements and operations of the said military power, when embodied as aforesaid, or they may devolve such command upon an adjutant-general. They shall have power, in aid of their military operations, to declare martial law in their respective islands, and to lay embargoes upon the several ports thereof, when directed by His Majesty the King, through the Minister of the Interior.

SECTION 6. The governors, as generals, shall be under military subordination to His Majesty the King, whose rank is generalissimo of

the naval and military forces of the Hawaiian Islands. They shall receive the military orders of the King from the Minister of the Interior, and shall report in like manner to His Majesty. Said governors shall be punishable for disobedience of military orders, as regulated in the criminal code, and shall be triable therefor, as prescribed in the act to organize the judiciary.

SECTION 7. His Majesty may rendezvous the respective island forces at any designated point within the kingdom; may assign military duty to be specially performed by them, when in his estimation required; and may, by proclamation, prescribe rules and regulations for the government of the military power of the kingdom.

SECTION 13TH, ARTICLE 1ST, OF CHAPTER 2D, PART 5, OF THE ACT TO ORGANIZE THE EXECUTIVE DEPARTMENTS.

SECTION 13. All conveyances of real and personal property made and executed anterior to the passage of this act, and all pledges of property, real or personal, executed anterior to the passage of this act, the conditions of which have not been fulfilled when this act is promulgated, shall be recorded in the office of the Registrar of Conveyances at the instance and expense of the grantee or mortgagee, within ninety days after the promulgation thereof; and all such conveyances and pledges not so registered, shall be void in law as against subsequent grantees and mortgagees of the same property, not having notice of the existence of such previous conveyances or pledges.

AN ACT RELATING TO THE LANDS OF HIS MAJESTY THE KING AND OF THE GOVERNMENT.

Whereas, It hath pleased His Most Gracious Majesty Kamehameha III., the King, after reserving certain lands to himself as his own private

property, to surrender and forever make over unto his Chiefs and People, the greater portion of his Royal Domain:

And whereas, It hath pleased our Sovereign Lord the King, to place the lands so made over to his Chiefs and People, in the keeping of the House of Nobles and Representatives, or such person or persons as they may from time to time appoint, to be disposed of in such manner as the House of Nobles and Representatives may direct, and as may best promote the prosperity of this kingdom and the dignity of the Hawaiian Crown: Therefore,

Be it enacted by the House of Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:—

That, expressing our deepest thanks to His Majesty for this noble and truly royal gift, we do hereby solemnly confirm this great act of our good King, and declare the following named lands, viz.:

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Puuwaawaa, -	Ahupuaa,	Kona,	Hawaii.
Haleohiu, - -	"	"	"
Puaa, - -	"	"	"
Onouli, - -	"	"	"
Honomalino, -	"	"	"
Waiohinu, - -	"	Kau,	"
Kapapala, - -	"	"	"
Olaa, - -	"	"	"
Apua, - -	"	"	"
Waiakolea,	Ili no Malapana,	Puna,	"
Kaimu, - -	Ahupuaa,	"	"
Waiakea, - -	"	Hilo,	"
Ponahawai, -	"	"	"
Piihonua, - -	"	"	"
Humuula, - -	"	"	"
Kalopa, - -	"	Hamakua,	"
Honokaia, - -	"	"	"
Waipio, - -	"	"	"
Lalakea, -	Ili no Waipio,	"	"
Kaohia, - -	"	"	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Pohakumauluulu,	Ili no Waipio,	Hamakua,	Hawaii.
Muliwai, - -	"	"	"
Waimanu, -	Ahupuaa,	"	"
Pololu, -	"	Kohala,	"
Aamakao, -	"	"	"
Iole, -	"	"	"
Kaauhuhu, -	"	"	"
Kawaihae, -	"	"	"
Waimea, -	"	"	"
Puukapu, -	i Waimea,	"	"
Mala, -	Ahupuaa,	Lahaina,	Maui.
Alamihi, -	"	"	"
Kuholilea Hikina,	"	"	"
Kuhua 1, -	"	"	"
Kuhua 2, -	"	"	"
Lapakea, -	"	"	"
Ilikahi, -	"	"	"
Opaeula, -	"	"	"
Polapola, -	"	"	"
Waianae, -	"	"	"
Wainee 1, -	"	"	"
Wainee 2, -	"	"	"
Puehuehu 1, -	"	"	"
Puehuehu 2, -	"	"	"
Kauaula, -	"	"	"
Olowalu, -	"	Olowalu,	"
Ukumehame, -	"	Ukumehame,	"
Aweoweo,	Ili i Ukumehame,	"	"
Keokea, -	Ahupuaa,	Kula,	"
Kealahou 1, -	"	"	"
Kealahou 2, -	"	"	"
Waiohonu, -	"	Hana,	"
Wailua, -	"	"	"
Wailua 1, -	"	Koolau,	"
Wailua 2, -	"	"	"
Keanae, -	"	"	"
Honomanu, -	"	"	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Wailuku, koe na	Ili i na Konohiki,	Napoko,	Maui.
Polipoli, -	Ahupuaa,	"	"
Kahakuloa, -	"	Kahakuloa,	"
Waiokila, -	Ili i Kahakuloa,	"	"
Napili, -	Ahupuaa,	Kaanapali,	"
Pelua, -	"	"	"
Honokowai, -	"	"	"
Ahoa, -	"	"	"
Ualapue, -	"	Kona,	Molokai.
Kalamaula, -	"	"	"
Palaau, -	"	"	"
Kahauiki, -	"	"	Oahu.
½ Kamookahi, -	Ili i Kapalama,	"	Oahu.
½ Kauknhoku, -	"	"	Oahu.
½ Nauwala, -	"	"	Oahu.
½ Paepaealii, -	"	"	Oahu.
Kumupali, -	"	"	Oahu.
½ Kawaiiki, -	Ili i Honolulu,	"	Oahu.
Kawaiiki, -	"	"	Oahu.
Hauhaukoi, -	"	"	Oahu.
Kaheekane, -	"	"	Oahu.
Luakaha, -	"	"	Oahu.
½ Kawananakoa,	"	"	Oahu.
Kukaaaka, -	"	"	Oahu.
Kapaloa, -	"	"	Oahu.
Kahehuna, -	"	"	Oahu.
Auwaiolimu, -	"	"	Oahu.
½ Pawaa, -	Loi Ili o Waikiki,	"	Oahu.
Pukele, -	Ili o Waikiki,	"	Oahu.
½ Kahaumakaawe 1,	"	"	Oahu.
½ Kahaumakaawe 2,	"	"	Oahu.
Halelena, -	"	"	Oahu.
Mookahi 1, -	"	"	Oahu.
Kaloiiki, -	"	"	Oahu.
Mookahi 2, -	"	"	Oahu.
Puahia, -	"	"	Oahu.
Piliamoo, -	"	"	Oahu.

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Kaalawai, -	Loi Ili o Waikiki,	Kona,	Oahu.
Kaluaolohe, -	Ili o Waikiki,	"	Oahu.
Hamama, -	"	"	Oahu.
½ Poloke, -	"	"	Oahu.
Kahalauluahine,	"	"	Oahu.
Waiomao, -	"	"	Oahu.
Kaneloa, -	"	"	Oahu.
½ Wailupe, -	"	"	Oahu.
Waimanalo, -	Ahupuaa,	Koolaupoko,	Oahu.
Kawailoa, -	Ili i Kailua,	"	Oahu.
Kaluapuhi, -	Ili i Kaneohe,	"	Oahu.
Halekou, -	"	"	Oahu.
Kuou, -	"	"	Oahu.
Waikalua, -	"	"	Oahu.
Keaahala, -	"	"	Oahu.
Kahalekauwila,	"	"	Oahu.
Kanohouluiwi, -	"	"	Oahu.
Kahaluu, -	Ahupuaa,	"	Oahu.
Maluaka, -	Ili o Waihee,	"	Oahu.
Makawai, -	Ili o Waiahole,	"	Oahu.
Hopekea, -	Ili o Waiahole,	"	Oahu.
Kualoa 1, -	Ahupuaa,	"	Oahu.
Kualoa 2, -	"	"	Oahu.
Hauulu, -	"	Koolauloa,	Oahu.
Kahuku, -	"	"	Oahu.
Kawela, -	"	"	Oahu.
Waialee, -	"	"	Oahu.
Paumalu, -	"	"	Oahu.
Pupukea, -	"	"	Oahu.
Waianae, -	"	Waianae,	Oahu.
Ohua Waikakalaua,	Ili Waikele,	Ewa,	Oahu.
Papaa, -	"	"	Oahu.
½ Pouhala, -	"	"	Oahu.
Weloka, -	Ili Waimano,		Oahu.
Honokawailani,	Ili Waiau,		Oahu.
Kauhihau, -	"	"	Oahu.
Aiea, -	Ahupuaa,	"	Oahu.

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Kalaheo, -	Ahupuaa,	Kona,	Kauai.
Hanapepe, -	"	"	"
Waimea, -	"	"	"
Hanalei, -	"	Halelea,	"
Anahola, -	"	Koolau,	"
Kapaa, -	"	Puna,	"
Wailua, -	"	Puna,	"

To be the private lands of His Majesty Kamehameha III., to have and to hold to himself, his heirs, and successors, forever; and said lands shall be regulated and disposed of according to his royal will and pleasure, subject only to the rights of tenants.

And be it further enacted, That we do hereby, in the name of the Chiefs and People of the Hawaiian Islands, accept of the following lands, viz.:

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Puuanahulu, -	Ahupuaa,	Kona,	Hawaii.
Kukio 1, -	"	"	"
Kukio 2, -	"	"	"
Maniniowali, -	"	"	"
Mahaiula, -	"	"	"
½ Kaulana, -	"	"	"
Awalua, -	"	"	"
Ohiki, -	"	"	"
Makaula, -	"	"	"
Kalaoa 1, -	"	"	"
Kalaoa 2, -	"	"	"
Kalaoa 3, -	"	"	"
Kalaoa 4, -	"	"	"
Ooma 1, -	"	"	"
Ooma 2, -	"	"	"
Kohanaiki, -	"	"	"
Elepaio, -	i no Honokohau,	"	"
Kalakehe, -	upuaa,	"	"
Lanihau 2, -	"	"	"
ula, -	"	"	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Hianaloli 1,	Ahupuaa,	Kona,	Hawaii.
Hianaloli 2,	"	"	"
Auhaukeae,	"	"	"
Puaa 3,	"	"	"
Puaa 2,	"	"	"
Kahului,	"	"	"
Laula,	Ili i Holualoa 2,	"	"
Kooai,	oia o Holualoa 3,	"	"
Kaulehua,	Ili,	"	"
Kamakaolohe,	Ili i Pahoehoe,	"	"
Pahoehoe,	Ahupuaa,	"	"
Pahoehoe,	"	"	"
Laaloa,	"	"	"
Kapalaalaea 2,	"	"	"
Honalo,	"	"	"
Maihi,	"	"	"
Kuamoo,	"	"	"
Lehuulaiki 2,	"	"	"
Honuaino,	"	"	"
Papelele,	Ili i Honuaino,	"	"
Hokukano 1,	Ahupuaa,	"	"
Hokukano 2,	"	"	"
Kanaueue 1,	"	"	"
Kanaueue 2,	"	"	"
Keekee 1,	"	"	"
Keekee 2,	"	"	"
Kanakau,	"	"	"
Kalukalu 1,	"	"	"
Kalukalu 2,	"	"	"
Keopuka 1,	"	"	"
Keopuka 2,	"	"	"
Kaawaloa,	Awa a me kahi honua i kai,	"	"
Kealakekua,	Awa a me kahi honua i kai,	"	"
Kiloa nui 1,	Ahupuaa,	"	"
Kiloa iki 2,	"	"	"
Kauahia,	Ili i Kiloaiki,	"	"
Waipunaula 1,	Ahupuaa,	"	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Waipunaula iki 2, -	Ahupuaa,	Kona,	Hawaii.
Kalama 2, - -	"	"	"
Kalama 5, - -	"	"	"
Kipu, - - - -	Ili i Keei,	"	"
Kaiko, - - -	Ili i Kealia,	"	"
Kauhako, - -	Ahupuaa,	"	"
Kapuai, - - -	Ili i Kalahiki,	"	"
Waiea, - - -	Ahupuaa,	"	"
Pahoehoe 1, - -	"	"	"
Pahoehoe 2, - -	"	"	"
Pahoehoe 3, - -	"	"	"
Pahoehoe 4, - -	"	"	"
Maunaoui 1, - -	"	"	"
Maunaoui 2, - -	"	"	"
Maunaoui 3, - -	"	"	"
Maunaoui 4, - -	"	"	"
Maunaoui 5, - -	"	"	"
Maunaoui 6, - -	"	"	"
Makuu 1, - -	"	"	"
Makuu 2, - -	"	"	"
Haleili, - - -	"	"	"
Haukalua, - -	"	"	"
Alae, - - - -	"	"	"
Pahoehoe 1, - -	"	"	"
Pahoehoe 2, - -	"	"	"
Kaohe 1, - -	"	"	"
Kaohe 2, - -	"	"	"
Kukuiopae, - -	"	"	"
Kolo, - - - -	"	"	"
Opihihali 1, - -	"	"	"
Opihihali 2, - -	"	"	"
Kipahoehoe, - -	"	"	"
Alika, - - -	"	"	"
Papa 1, - -	"	"	"
Anapuka, -	"	"	"
Heopuloa, -	"	"	"
Milolii, - - -		"	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Omokaa, - -	Ahupuaa,	Kona,	Hawaii.
Okoe 1, - - -	"	"	"
Okoe 2, - - -	"	"	"
Kaulanamauna, -	"	"	"
Manuka, - -	"	Kau,	"
Kiao, - - -	"	"	"
Manienie, - -	"	"	"
Puulena, - -	"	"	"
Keaa 1, - -	"	"	"
Keaa 2, - -	"	"	"
Kamaoa, - -	"	"	"
Waiopua, - -	"	"	"
Mohowae, - -	"	"	"
½ Puueo, - -	"	"	"
Kau, - - -	"	"	"
Nukakaia, - -	"	"	"
Papohaku 1, - -	"	"	"
Papohaku 2, - -	"	"	"
Puuoehu, - -	"	"	"
Kiolakaa, - -	"	"	"
Kahaea, - -	"	"	"
Kahilipali, - -	"	"	"
Kawala, - -	"	"	"
Aemalo, - -	"	"	"
Poupouwela, - -	"	"	"
Kaunamano, - -	"	"	"
Papaikou 1, - -	"	"	"
Papaikou 2, - -	"	"	"
Papaikou 3, - -	"	"	"
Hionaa, - - -	"	"	"
Hokukano, - -	"	"	"
Kaalaiki, - -	"	"	"
Ninole, - - -	"	"	"
Wailau, - -	"	"	"
Moaula, - -	"	"	"
Kopu, - - -	"	"	"
Makaka, - -	"	"	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Makaka, - -	Ahupuaa,	Kau,	Hawaii.
Iliokoloa, - -	"	"	"
Wailoa, - -	"	"	"
Kaalaala, - -	"	"	"
Waimuku, - -	"	"	"
Waimuku, - -	"	"	"
Kealakomo me Kilauea, -	"	Puna,	"
Panauiki, - -	"	"	"
Poupou 1, - -	"	"	"
Poupou 2, - -	"	"	"
Kapaahu, - -	"	"	"
Ki, - - -	"	"	"
Kupahua, - -	"	"	"
3 Ili i Kupahua, -	"	"	"
Lonokaeho, - -	Ili i Kupahua,	"	"
Hapaiki, - -	Ili i Kupahua,	"	"
Makena, - -	Ahupuaa,	"	"
Kikala, - - -	"	"	"
Kikala, - - -	"	"	"
Keokea, - - -	"	"	"
Keauohana, - -	"	"	"
Kamaili, - -	"	"	"
Kaualea, - -	"	"	"
Poheiki, - -	"	"	"
Opihikao, - -	"	"	"
Malama, - -	"	"	"
Kaukulau, - -	"	"	"
Oneloa, - - -	"	"	"
Aahalanui, - -	"	"	"
Kaniahiku, - -	Ili i Kapoho,	"	"
Kanekiki, - -	Ahupuaa,	"	"
Halepuaa, - -	"	"	"
Waawaa, -	"	"	"
Nanawale, -	"	"	"
Kaikawowo, -	i Nanawale,	"	"
Honolulu, - -	Ahupuaa,	"	

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Kaohe, - - -	Ahupuaa,	Puna,	Hawaii.
Keonepoko, - -	"	"	"
Popoki, - - -	"	"	"
Halona, - - -	"	"	"
Makuu, - - -	"	"	"
Makaoku, - -	Ili i Waiakea,	Hilo,	"
Wainaku, - -	Ahupuaa,	"	"
Waialua, - -	"	"	"
Mokuhonua, - -	"	"	"
Papaa, - - -	"	"	"
½ Kauhiula 1, -	"	"	"
Kauhiula 2, - -	"	"	"
Kaiwiki 1, - -	"	"	"
Kaiwikinui 2, -	"	"	"
Maumau, - -	"	"	"
Kikala, - - -	"	"	"
½ Pueopaku 1, -	"	"	"
½ Paihaaloa, - -	"	"	"
Aleamai, - -	"	"	"
Mokuhooniki, -	"	"	"
Alakahi, - -	"	"	"
Kahalii, - - -	"	"	"
Kawainui 1, - -	"	"	"
Kawainui 2, - -	"	"	"
Kulaimano, - -	"	"	"
Kahua, - - -	"	"	"
Makea, - - -	"	"	"
Kaupakuea, - -	"	"	"
Kaoma, - - -	"	"	"
½ Kaoma, - -	"	"	"
Kiapu, - - -	"	"	"
Haukalua 1, - -	"	"	"
Haukalua 2, - -	"	"	"
Nene, - - -	"	[redacted]	"
Kapehu, - -	"	[redacted]	"
Mala[redacted]iki, - -	"	[redacted]	"
Hon[redacted]nu, - -	"	"	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Kuhua, - - -	Ahupuaa,	Hilo,	Hawaii.
½ Kaiwiki, - -	"	"	"
Wailea, - - -	"	"	"
Kamaee 1, - -	"	"	"
Kamaee 2, - -	"	"	"
Kamaee 3, - -	"	"	"
Kamaee 4, - -	"	"	"
Umauma, - -	"	"	"
Awapuhi, - -	"	"	"
Paleau, - - -	"	"	"
Opea, - - - -	"	"	"
Puaakuloa, - -	"	"	"
Puuhune, - -	"	"	"
Ninole, - - -	"	"	"
Puuohua, - -	"	"	"
Puuohua, - -	"	"	"
Kahinalo, - -	"	"	"
Kulanakii, - -	"	"	"
Pohakupuka, - -	"	"	"
Puuohai, - -	"	"	"
Paeohi, - - -	"	"	"
Kaalau 1, - -	"	"	"
Kaalau 2, - -	"	"	"
Kaalau 3, - -	"	"	"
Kaalau 4, - -	"	"	"
Kaiwilahilahi, -	"	"	"
Paapaaloa 1, - -	"	"	"
Paapaaloa 2, - -	"	"	"
Kihalani 1, - -	"	"	"
Kihalani 2, - -	"	"	"
Pualaea, - -	"	"	"
Kilau, - - - -	"	"	"
Laupahoehoe, -	"	"	"
Laupahoehoe, -	"	"	"
Haakoa, - -	"	"	"
Kuaia, - - -	"	"	"
Kaohaoha 1, - -	"	"	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Kaohaoha 2, - -	Ahupuaa,	Hilo,	Hawaii.
Ulukanu, - -	"	"	"
Ookala, - - -	"	Hamakua,	"
Manowaialee 1, -	"	"	"
Manowaialee 2, -	"	"	"
Manowaialee 3, -	"	"	"
Kaholo 1, - -	"	"	"
Kaholo 2, - -	"	"	"
Kaapahu, - -	"	"	"
Maonakomalie, -	"	"	"
Kuhia, - - -	"	"	"
Kealakaha, - -	"	"	"
Hoea, - - -	"	"	"
Manowaikohao, -	"	"	"
Manowaikohao, -	"	"	"
Kaawikiwiki, - -	"	"	"
Kekualele, - -	"	"	"
Kekualele, - -	"	"	"
Kaao 1, - - -	"	"	"
Kaao 2, - - -	"	"	"
Kainehe, - -	"	"	"
Kaohe, - - -	"	"	"
Aaamanu, - -	"	"	"
Paauilo, - -	"	"	"
Kakaalaea, - -	"	"	"
Kamokala, - -	"	"	"
Hauola 1, - -	"	"	"
Hauola 2, - -	"	"	"
Opihilala 1, - -	"	"	"
Opihilala 2, - -	"	"	"
Opihilala 3, - -	"	"	"
Manienie, - -	"	"	"
Kamauli, - -	"	"	"
Kaulekohao, - -	"	"	"
Pahakuhaku, - -	"	[redacted]	"
Kemau, - - -	"		"
Kaumoali, -	"	"	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
½ Kaunamano, -	Ahupuaa,	Hamakua,	Hawaii.
Heneheneula 2, -	"	"	"
Kalua 1, - -	"	"	"
Kalua 2, - -	"	"	"
½ Kaapahu, - -	"	"	"
Waikaalulu 1, -	"	"	"
Waikaalulu 2, -	"	"	"
Kalua, - - -	"	"	"
Keahua, - -	"	"	"
Kaao 1, - - -	"	"	"
Kaao 2, - - -	"	"	"
Ouhi, - - -	"	"	"
Pakiloa, - -	"	"	"
Papaanui, - -	"	"	"
Haina, - - -	"	"	"
Lauka, - - -	"	"	"
Ahualoa, - -	"	"	"
Au, - - -	"	"	"
Kuilei, - - -	"	"	"
½ Malanahae, - -	"	"	"
Haukoi, - - -	"	"	"
Kaahuhu, - -	"	"	"
Waialeale, - -	"	"	"
Waikoloa, - -	"	"	"
Puanai, - - -	"	"	"
Puopaha, - -	"	"	"
Keaa 1, - - -	"	"	"
Keaa 2, - - -	"	"	"
Keaa 3, - - -	"	"	"
Paeo, Ili no Waipio,	"	"	"
Laupahoehoe, -	"	"	"
Nakooka, - -	"	"	"
Apua, - - -	"	"	"
Waikapu, - -	"	"	"
Honopue, - -	"	"	"
Awini, - - -	"	Kohala,	"
Makanikahio, - -	"	"	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Hinaweo, - -	Ili i Niulii,	Kohala,	Hawaii.
2 Ili i Niulii, -	Ahupuaa,	"	"
Kaha, Ili i Niulii, -	"	"	"
½ Halawa, - -	"	"	"
Pualoalo, Ili i Halawa,	"	"	"
Hopeolaa, Ili i Halawa,	"	"	"
Apuakohau, - -	"	"	"
Kekikikiki, - -	Ili i Apuakohau,	"	"
½ Pueke, - -	Ahupuaa,	"	"
Maulili, - -	"	"	"
Halaula, - -	"	"	"
Ainakeanui, - -	"	"	"
Papiha, - -	Ili no Ainakeanui,	"	"
Ainakeaiki, - -	Ahupuaa,	"	"
Laaumama 1, -	"	"	"
Laaumama 2, -	"	"	"
Puehuehu, - -	"	"	"
Kapua, - - -	"	"	"
Honomakau, - -	"	"	"
Lanikele, - -	Ili i Honomakau,	"	"
Hawi, - - -	Ahupuaa,	"	"
Kahei 1, - -	"	"	"
Kahei 2, - -	"	"	"
Kahei 3, - -	"	"	"
Kahei 4, - -	"	"	"
Hualua, - -	"	"	"
Opihipau, - -	"	"	"
Hukiaa 2, - -	"	"	"
Puuepa, ma Mookini,	"	"	"
Kokoiki 1, - -	"	"	"
Kokoiki 2, - -	"	"	"
Upolu 1, - -	"	"	"
½ Upolu 2, - -	"	"	"
Honoipu, - -	"	"	"
Puakea 1, - -	"	"	"
Puakea 2, - -	"	"	"
Lahuiki, - -	Ili i Kukuipahu,	"	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Awalua, - -	Ahupuaa,	Kohala,	Hawaii.
Haina, - - -	"	"	"
Kapunapuna, - -	"	"	"
Kou, - - -	"	"	"
Paopao, - - -	"	"	"
Mahukona, - -	Awa a me kahi honua i kai,	"	"
Mahukonapulehu, -	"	"	"
Mahukonakaluapaa,	"	"	"
Hihiu 1, - -	"	"	"
Hihiu 2, - -	"	"	"
Lapakahi, - -	"	"	"
Lamaloloa, - -	"	"	"
½ Paoo 1, - -	"	"	"
Paoo 2, - - -	"	"	"
Paoo 3, - - -	"	"	"
Paoo 4, - - -	"	"	"
Paoo 5, - - -	"	"	"
Paoo 6, - - -	"	"	"
Makeanehu 1, -	"	"	"
Makeanehu 2, -	"	"	"
Makeanehu 3, -	"	"	"
Makeanehu 4, -	"	"	"
Kipi, - - -	"	"	"
Kehena 1, - -	"	"	"
Pohakulua, - -	"	"	"
Puaiki, - - -	"	"	"
Kiiokalani, - -	"	"	"
Kaihoa 1, - -	"	"	"
Kaihoa 2, - -	"	"	"
Kokio, - - -	"	"	"
Kalala, - - -	"	"	"
Kalala, - - -	"	"	"
Pauahi 1, - -	"	"	"
Pauahi 2, -	"	"	"
Lanikepue, -	"	"	"
Waawaa,	"	"	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
½ Kapunakea, -	Ahupuaa,	Lahaina,	Maui.
½ Puuki, - -	"	"	"
Moanui, - -	"	"	"
½ Kuholilea, - -	"	"	"
½ Uhao, - - -	"	"	"
½ Puahoowale, -	"	"	"
½ Kooka, - -	"	"	"
½ Puunauiki, - -	"	"	"
Kamaole, - -	"	Kula,	"
Naalae, - - -	"	"	"
Waiokoa, - -	"	"	"
Kamehame 1, -	"	"	"
Kamehame 2, -	"	"	"
Pulehu, - - -	"	"	"
Omaopio 6, - -	"	"	"
Omaopio 7, - -	"	"	"
Omaopio 8, - -	"	"	"
Omaopio 9, - -	"	"	"
Omaopio 10, - -	"	"	"
Omaopio 11, - -	"	"	"
Aapueo 3, - -	"	"	"
Aapueo, - -	"	"	"
Kukuiaio, - -	"	"	"
Kauau 1, - -	"	"	"
Kauau 2, - -	"	"	"
Koheilo 1, - -	"	"	"
Koheilo 2, - -	"	"	"
Keahua, - -	"	"	"
Hokuula, - -	"	"	"
Ahupau, - -	"	"	"
Paeahu 1, - -	"	Honuaula,	"
Paeahu 2, - -	"	"	"
Kalihi 1, - -	"	"	"
Kalihi 2, - -	"	"	"
Waipao, - -	"	"	"
Papaa, - - -	"	"	"
½ Kaeo, - - -	"	"	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Malueka, - -	Ahupuaa,	Honuaula,	Maui.
Mohopilo 1, - -	"	"	"
Mohopilo 2, - -	"	"	"
Mooiki, - - -	"	"	"
Mooloa, - - -	"	"	"
Moomuku, - -	"	"	"
Onau, - - -	"	"	"
Kualapa, - -	"	"	"
Papaka, - - -	"	"	"
Kaunuahane, - -	"	"	"
Kaloi, - - -	"	"	"
Kanaio, - - -	"	"	"
Kahikinui, - -	he Moku,	Kahikinui,	"
Kaupo, - - -	66 Ahupuaa,	Kaupo,	"
Kaupo, koe na ku i keia mahele,		Kaupo,	"
Kukuiulaiki, - -	Ahupuaa,	Kipahulu,	"
Popoloa, - -	"	"	"
Popoloa, - -	"	"	"
Kapuaikini, - -	"	"	"
Kapuaikini, - -	"	"	"
Kaehoeho, - -	"	"	"
Poponui, - -	"	"	"
Kakanoni, - -	"	"	"
Maulili, - - -	"	"	"
Kikoo, - -	"	"	"
Kalena, - - -	"	"	"
Kalenaiki, - -	"	"	"
Halemano, - -	"	"	"
Nailiilipoko 1, -	"	"	"
Nailiilipoko 2, -	"	"	"
Wailamoa, aoao ma	Hana,	"	"
Wailamoa, aoao ma	Kaupo,	"	"
Kakalahale 1, -	Ahupuaa,	"	"
Kakalahale 2, -	"	"	"
Alae, - -	"	"	"
Kaumakani, - -	"	"	"
Keanawai - -	"	"	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Kaeli, - - -	Ahupuaa,	Hana,	Maui.
Maakaalae, - -	"	"	"
Wananalua 1, -	"	"	"
Wananalua 2, -	"	"	"
Wakiu, - - -	"	"	"
½ Honomaele, -	"	"	"
Koolau, - - -	he Moku,	Koolau,	"
Keaa, - - -	Ahupuaa,	Koolau,	"
Hanawana, - -	"	Hamakualoa,	"
Hoalua, - - -	"	"	"
Hanehoi 1, - -	"	"	"
Hanehoi 2, - -	"	"	"
Poulua 1, Poulua 2, - -	"	"	"
Honokala, Papaaea, Holowa, Kuiaha, - -	"	"	"
Honopou, - -	"	"	"
Pauwela, - -	"	"	"
Ouaoa, - - -	"	"	"
Peahi 1, - -	"	"	"
Peahi 2, - -	"	"	"
½ Hamakuapoko, -	½ Hikina,	Hamakuapoko,	"
Paniau, - - -	Ahupuaa,	Hamakuapoko,	"
Maknwao, - -	"	Kula,	"
Kealakekua, - -	"	"	"
Kapalaia, - -	"	"	"
Kealia, - - -	"	"	"
Honokohau, - -	"	Kaanapali,	"
Kahana 1, - -	"	"	"
Kahana 2, - -	"	"	"
Mahinahina 1, -	"	"	"
Mahinahina 2, -	"	"	"
Mahinahina 3, -	"	"	"
Lupehu, - -	"	Kona,	Molokai.
Onoulimaloo, - -	"	"	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Onouliwai, - -	Ahupuaa,	Kona,	Molokai.
Moanui, - -	"	"	"
Poniuohua, - -	"	"	"
½ Poniuohua, - -	"	"	"
Kawaikapu, - -	"	"	"
½ Kamanoni, - -	"	"	"
½ Ahaino, - -	"	"	"
Pukoa 1, - - -	"	"	"
Pukoa 2, - -	"	"	"
Kaluaaha, - -	"	"	"
½ Kahananui, - -	"	"	"
Ohia 1, *Hikina*, -	"	"	"
Kaamola 1, - -	"	"	"
Kaamola 2, - -	"	"	"
Kaamola 3, - -	"	"	"
Kaamola 4, - -	"	"	"
½ Kaamola 5, - -	"	"	"
½ Kaamola 6, - -	"	"	"
Heanaokuino, -	"	"	"
Makakupaianui, -	"	"	"
½ Kamiloloa, - -	"	"	"
½ Kahanui, - -	"	"	"
Hoolehua, - -	"	"	"
Kaluakoi 1, - -	"	Kaluakoi,	"
Kaluakoi 2, - -	"	Kaluakoi,	"
Manowainui, - -	"	Kalae,	"
Kipu, - - - -	"	Kalae,	"
Mahulile, - -	"	Koolau,	"
Pohakuloa, - -	"	"	"
Hawaluna, - -	"	"	"
Halawao, - -	"	"	"
Manienie, *Ili o Waikolu*,	"	"	"
Haulei, - - -	"	"	"
Hainalu, - -	"	"	"
Kahoolawe, - -	Mokupuni Okoa,	"	Kahoolawe.
Puunui 1, - -	Ili no Honolulu,	Kona,	Oahu.
Puunui 2, - -	"	"	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Puunui 3, - -	Ili no Honolulu,	Kona,	Oahu.
Alewa, - - -	"	"	"
Hahapaakai, - -	"	"	"
Huwili, - - -	"	"	"
Lapiwai 1, - -	"	"	"
Lapiwai 2, - -	"	"	"
Luhimana, - -	"	"	"
Hauhaukoi, - -	"	"	"
Aala, - - -	"	"	"
Huaiula, - -	"	"	"
Laukalo, - -	"	"	"
Hunawai, - -	"	"	"
Huaipaako, - -	"	"	"
Apowale, - -	"	"	"
Oloku, - - -	"	"	"
Palikea, - - -	"	"	"
Niupaipai, - -	"	"	"
Kawananakoa,	Kaolu, "	"	"
Kahui, - - -	"	"	"
Pouhuluhulu, - -	"	"	"
Kaukahoku, - -	"	"	"
Punaanana, - -	"	"	"
Puiwa, - - -	"	"	"
Kapalepo, - -	"	"	"
Olomana, - -	"	"	"
Kalokohonu, - -	"	"	"
Kaikahi, - -	"	"	"
Kaalaalalo, - -	"	"	"
Kaaleo, - - -	"	"	"
Keonepanee, -	Ili no Kalihi,	"	"
Kaluaauau, -	Ili no Kalihi,	"	"
Kalia, - -	Ili no Waikiki,	"	"
Kaluaolohe, - -	"	"	"
Haole, - - -	"	"	"
Halelena, - -	"	"	"
Waihinalo, - -	"	"	"
Kumuulu - -	"	"	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Kahoiwai, - -	Ili no Waikiki,	Kona,	Oahu.
Kaluaalaea, - -	"	"	"
Waihi, - - -	"	"	"
Hapuna, - -	"	"	"
Kaaumoa, - -	"	"	"
Waiaka, - -	"	"	"
Pahupahuapuaa, -	"	"	"
Nukunukuaula, -	"	"	"
Auaukai, - -	"	"	"
Mookahi, - -	"	"	"
Pawaa, *o Maalo*, -	"	"	"
Kaluahole, - -	"	"	"
Mahani, - -	Ili no Kalihi,	"	"
Niau 1, - - -	"	"	"
Niau 2, - - -	"	"	"
Pohakea, - -	Ili no Kailua,	Koolaupoko,	"
Waipakiki, - -	"	"	"
Kamakalepo, - -	"	"	"
Kohanaiki, - -	"	"	"
Pookea, - - -	"	"	"
Malamalama, - -	"	"	"
Kuailima, - -	"	"	"
Kaioa, - - -	"	"	"
Waimaauau, - -	"	"	"
Maunawili, - -	"	"	"
Puanea, - -	"	"	"
Pohakea, - -	"	"	"
Kalaheo, - -	"	"	"
Kapaeli, - -	"	"	"
Waiopihi, - -	"	"	"
Kahoa, - - -	"	"	"
½ Kapakapa, - -	"	"	"
½ Kaluaihakoko, -	"	"	"
½ Manulele, - -	"	"	"
½ Kaohia, - -	"	"	"
½ Kaeleuli, - -	"	"	"
½ Kaaihee, - -	"	"	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
½ Kaulu, - -	Ili no Kailua,	Koolaupoko,	Oahu.
½ Kaimi, - -	"	"	"
½ Kapalai, - -	"	"	"
½ Kaanokama, -	"	"	"
½ Kukanono, - -	"	"	"
½ Kapaloa, - -	"	"	"
½ Kulapuaa, - -	"	"	"
½ Kalelekamani, -	"	"	"
½ Paalae, - -	"	"	"
½ Manu, - -	"	"	"
½ Kionaole, - -	"	"	"
½ Pohakupu 1, -	"	"	"
½ Pohakupu 2, -	"	"	"
½ Kapia, - -	"	"	"
½ Kalaepaa, - -	"	"	"
½ Puukaeo, - -	"	"	"
Waiohaka, - -	Ili no Kaneohe,	"	"
Waikapoki, - -	"	"	"
Puiwa, - - -	"	"	"
Lilipuna, - -	"	"	"
½ Kahuauli, - -	"	"	"
½ Wailele, - -	"	"	"
½ Punaluu, - -	"	"	"
½ Puawahakea, -	"	"	"
½ Pakui, - -	"	"	"
½ Hooleinaiwa, -	"	"	"
Iolekaa, - - -	Ili no Heeia,	"	"
Luukoi, - - -	Ili no Kahaluu,	"	"
Waihee, - -	Ahupuaa i Waihee,	"	"
Kapuna, - -	Ili no Waihee	"	"
Kihewa, - -	"	"	"
Kaniaia, - -	"	"	"
Keahupuolo, - -	"	"	"
Mauinoni, - -	"	"	"
Ainoni, - - -	"	"	"
½ Kaululoa, - -	"	"	"
Kaieie, - - -	"	"	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
½ Apuakuikui,	Ili no Kaalaea,	Koolaupoko,	Oahu.
Makanilua,	Ili no Waiahole,	"	"
Apua,	"	"	"
Kuaiomuku,	"	"	"
Kaaniu,	"	"	"
Kupapaulau,	"	"	"
Poea,	"	"	"
Kumupali,	"	"	"
Ii,	"	"	"
Poahamai,	"	"	"
Kapuakea,	"	"	"
Uwau,	"	"	"
Waikane,	Ahupuaa i Waikane,	"	"
Kahalaa,	Ili no Waikane,	"	"
Kaiiki,	Ili no Waikane,	"	"
Pahalona,	Ili no Hakipuu,	"	"
Puukaluha,	"	"	"
Lupehu,	"	"	"
½ Kanohoanahopu,	"	"	"
Kaawaa,	Auhupuaa,	Koolauloa,	"
Makaua,	"	"	"
Waiono,	"	"	"
Puheemiki,	"	"	"
Kapano,	"	"	"
Kaipapau,	"	"	"
½ Keana,	"	"	"
Ulupehupehu,	"	"	"
Oio 1,	"	"	"
Oio 2,	"	"	"
Hanakaoe,	"	"	"
Opana 1,	"	"	"
Opana 2,	"	"	"
½ Waimea,	"	"	"
Kamananui,	"	Waialua,	"
Mokuleia 1,	"	"	"
Mokuleia 2,	"	"	"
Kawaihapai,	"	"	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Kealia, - - -	Ahupuaa,	Wainlua,	Oahu.
Kaena, - - -	"	Waialua,	"
½ Keawaula, - -	"	Waianae,	"
½ Kahanahaiki, -	"	"	"
Makua, - - -	"	"	"
½ Kalena, - -	Ili no Waianae,	"	"
Ulemoku, - -	Ili no Waikele,	Ewa,	"
Kaohai, - - -	"	"	"
Onio, - - -	"	"	"
Kahakuohia, - -	"	"	"
Waikela, - -	"	"	"
Paiwa, - - -	"	"	"
Kahaupuupuu, -	"	"	"
Waipahu, - -	"	"	"
Ulumalu, - -	"	"	"
½ Auiole, - -	"	"	"
½ Kanupoo, - -	"	"	"
½ Honopue, - -	Ili no Waipio,	"	"
½ Ulu, - - -	Ili no Waipio,	"	"
Mananauka, - -	Ili no Mananaiki,	"	"
Kalanehale, - -	"	"	"
Kai, - - -	"	"	"
Lihue, - - -	Ili no Mananui,	"	"
Kaihuokapuaa, -	Ili no Waimano,	"	"
Kahapapa, - -	"	"	"
Pualehua, - -	"	"	"
Puukapu 1, - -	"	"	"
Puukapu 1, - -	"	"	"
½ Lopa, - - -	"	"	"
Nalima, - - -	Ili no Waiau,	"	"
Naono, - - -	"	"	"
½ Kalualohe, - -	"	"	"
Kahalaa, - -	Ili no Waimalu,	"	"
Kaumiumi, - -	"	"	"
½ Pohakupu, - -	"	"	"
½ Anana, - -	"	"	"
½ Kahikiea, - -	"	"	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
½ Kapaeli, - -	Ili no Kalauao,	Ewa,	Oahu.
½ Kauapoolei, -	"	"	"
½ Kauaopai, - -	"	"	"
½ Kahawai, - -	"	"	"
½ Kapuai, - -	"	"	"
Maona, - - -	"	"	"
½ Kionawawana, -	Ili no Kalihi,	Kona,	"
½ Kupehau, - -	"	"	"
½ Kalaepaa, - -	"	"	"
Kaluaopalena, -	"	"	"
Keauhou, - -	"	"	"
½ Pawaa, - -	Ili no Waikiki,	"	"
Kukuluaeo, - -	"	"	"
½ Kalawai, *he kula wale no*,	"	"	"
Weliweli, - -	Ahupuaa,	"	Kauai.
Koloa Hikina, -	"	"	"
Koloa Komohana, -	"	"	"
Wahiawa, - -	"	"	"
½ Punalau, - -	Ili no Hanapepe,	"	"
½ Koula, - -	Ili no Hanapepe,	"	"
Makaweli, - -	Ahupuaa, Eia na ili a me na Moo, a me na Loi, no koa,	"	"
Honopu, - -	Ahupuaa,	Napali,	"
Kalalau, - -	"	"	"
Pohakuao, - -	"	"	"
½ Honokoa, - -	"	"	"
Hanakapiai, - -	"	"	"
Waioli, - - -	"	Halelea,	"
Kilauea, - -	"	Koolau,	"
Waiakalua Hikina, -	"	"	"
Pilaa, *kekahi aoao*, -	"	"	"
Moloaa, - - -	"	"	"
Papaa, - - -	"	"	"
Aliomanu, - -	"	"	"
Homaikawaa, -	"	"	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Halaula, - -	Ahupuaa,	Koolau,	Kauai.
Ulakiu, Ili no Kapaa	"	Puna,	"
Paikahawaii, Ili no Kapaa,	"	"	"
½ Olehana, - -	"	"	"
Kikiaola, - -	Ili no Waimea,	Kona,	"
Niihau, - -	Ka Mokupuni,	"	Niihau.
Pohueloa, - -	Ahupuaa,	"	"
Kaluahonu, - -	"	"	"
Pauahula, - -	"	"	"

Made over to the Chiefs and People, by our Sovereign Lord the King, and we do hereby declare those lands to be set apart as the lands of the Hawaiian Government, subject always to the rights of tenants. And we do hereby appoint the Minister of the Interior and his successors in office, to direct, superintend, and dispose of said lands, as provided in the Act to organize the Executive Departments, done and passed at the Council House in Honolulu, the 27th day of April, A. D. 1845: Provided, however, that the Minister of the Interior and his successors in office shall have the power, upon the approval of the King in Privy Council, to dispose of the government lands to Hawaiian subjects, upon such other terms and conditions as to him and the King in Privy Council, may seem best for the promotion of agriculture, and the best interests of the Hawaiian Kingdom:

And be it further enacted, That, in accordance with ancient custom, the following land, viz.:

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Kuwili, - -	Ili no Honolulu,	Kona,	Oahu.
Kuhimana, - -	"	"	"
Hauhaukoi, - -	"	"	"
Aala, - - -	"	"	"
Kuaiaula, - -	"	"	"
Laukalo, - -	"	"	"
Kunawai, - -	"	"	"
Kuaipaako, - -	"	"	"
Apowale, - -	"	"	"
Oloku, - - -	"	"	"
Alewa, - - -	"	"	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Puunui 1, - -	Ili no Honolulu,	Kona,	Oahu.
Puunui 2, - -	"	"	"
Puunui 3, - -	"	"	"
Palikea, - - -	"	"	"
Niupaipai, - -	"	"	"
Kaolu Kawananakoa,	"	"	"
Kahui, - - -	"	"	"
Pouhuluhulu, -	"	"	"
Kaukahoku, - -	"	"	"
Punanaakaa, - -	"	"	"
Puiwa, - - -	"	"	"
Kahapaakai, - -	"	"	"
Kapalepo, - -	"	"	"
Olomana, - -	"	"	"
Kalokohonu, - -	"	"	"
Kaikahi, - -	"	"	"
Kapiwai 1, - -	"	"	"
Kapiwai 2, - -	"	"	"
Kaalaalalo, - -	"	"	"
Kaaleo, - - -	"	"	"
Keonepanee, - -	Ili no Kalihi,	"	"
Kaluaauau, - -	Ili no Kalihi,	"	"
Kalia, - - -	Ili no Waikiki,	"	"
Kaluaolohe, - -	"	"	"
Haole, - - -	"	"	"
Halelena, - -	"	"	"
Waihinalo, - -	"	"	"
Kumuulu, - -	"	"	"
Kahoiwai, - -	"	"	"
Kaluaalaea, - -	"	"	"
Waihi, - - -	"	"	"
Hapuna, - -	"	"	"
Kaaumoa, - -	"	"	"
Waiaka, - -	"	"	"
Pahupahuapuaa, -	"	"	"
Nukunukuaula 1, -	"	"	"
Nukunukuaula 2, -	"	"	"

NAMES OF LANDS.	AHUPUAA.	DISTRICTS.	ISLANDS.
Aunukai, - -	Ili no Waikiki,	Kona,	Oahu.
Pawaa, *o Maalo*, -	"	"	"
Mookahi, - -	"	"	"
Kaluahole, - -	"	"	"

Shall be, and the same are hereby, set apart for the use of the Fort in Honolulu, to be cultivated by soldiers and other tenants under the direction of the Governor of Oahu, and his successors in office, native born Chiefs of the Hawaiian Islands, according to the instructions of the Minister of the Interior, and his successors in office, approved by the King in Privy Council.

Done and passed at the Council House, in Honolulu, this 7th day of June, A. D. 1848.

KAMEHAMEHA.

KEONI ANA.

AN ACT EXTENDING THE POWERS OF THE BOARD OF COMMISSIONERS TO QUIET LAND TITLES.

Whereas, The powers of the Board of Commissioners to quiet land titles will, by the existing laws, expire before the next meeting of the House of Nobles and Representatives: And whereas, the duties of said Board have increased to such an extent as to require that their powers should be extended: Therefore,

Be it enacted by the House of Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. That the powers of the Board of Commissioners to quiet land titles shall be, and the same are hereby extended for such a period of time from the fourteenth day of February, A. D. 1849, as shall be necessary for the full and faithful examination, settlement, and award upon all such claims as may have been presented to said Board.

SECTION 2. The Board of Commissioners to quiet land titles shall have the power to appoint sub-commissioners for any of the islands of

the Hawaiian Islands, to take testimony on claims to land presented to said Board; and such sub-commissioners upon receiving their appointment from the Board, shall have all the powers for taking testimony, compelling the attendance of parties and witnesses, and administering oaths, as are possessed by the Board appointing them.

SECTION 3. Such sub-commissioners shall keep a true record of the testimony taken by them, in a book, and shall transmit said book or a certified copy of the testimony taken by them, under seal, to the clerk of the Board of Commissioners to quiet Land Titles at Honolulu, as soon as they shall have finished taking testimony, or whenever said Board shall request them so to do.

SECTION 4. The pay of each sub-commissioner shall be two dollars for each day while he is actually engaged in the taking of testimony.

SECTION 5. This act shall take effect, and be a law of the land from and after the day of its passage.

Done and passed at the Council House, in Honolulu, this 13th day of June, A. D. 1848. KAMEHAMEHA.

KEONI ANA.

RESOLUTION FORBIDDING THE RETAIL OF INTOXICATING LIQUORS AT ANY OTHER PLACE EXCEPT HONOLULU.

WHEREAS, there have been numerous applications from places other than Honolulu for licenses to retail spirituous liquors:

AND WHEREAS, it is feared that greater evil would grow out of such licenses on other islands:

Therefore;

BE IT RESOLVED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

That after the passage of this resolution, it shall not be lawful to grant licenses for the retail of spirituous liquors, including all wines and other intoxicating drinks, at any other place in the kingdom than Honolulu.

Passed by the House of Representatives, June 20th, 1851.

WM. L. LEE, Speaker.

Passed by the House of Nobles.

KEONI ANA, President.

Approved by the King, June 20th, 1851.

KAMEHAMEHA.

KEONI ANA.

AN ACT MAKING KNOWN MEMBERS RECEIVED INTO THE HOUSE OF NOBLES.

WHEREAS, H. Kalama, B. Namakeha, J. Piikoi, J. Kapena, P. Kanoa, K. Kapaakea, J. Kaeo have, since 4th April, 1845, and subsequently, J. Keelikolani and G. L. Kapeau, held their seats in the House of Nobles without objection;

And, whereas, the clause in the Constitution which requires this to be made known by law, may not have been formally observed;

Therefore;

BE IT ENACTED *by the Nobles and Representatives of the people, in Legislative Council assembled:*

That the above-named persons are made known as members of the House of Nobles, according to the Constitution, and all their acts as such, are of as full and binding effect as if said formality had been observed:

And moreover, that the Princes Liholiho and Kamehameha are members of the House of Nobles.

Approved, this twelfth day of May, A. D 1852.

KA

KEONI ANA.

AN ACT TO PREVENT THE CARRYING OF DEADLY WEAPONS.

WHEREAS, the habit of carrying deadly weapons is dangerous to life and the public peace; therefore,

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. Any person not authorized by law, who shall carry, or be found armed with, any bowie-knife, sword-cane, pistol, air-gun, slung-shot, or other deadly weapon, shall be liable to a fine of no more than thirty, and no less than ten dollars, or in default of payment of such fine, to imprisonment at hard labor, for a term not exceeding two months, and no less than fifteen days, upon conviction of such offense before any district magistrate, unless good cause be shown for having such dangerous weapons; and any such person may be immediately arrested without warrant by the Marshal, or any sheriff, constable or other officer or person, and be lodged in prison until he can be taken before such magistrate.

SECTION 2. The following persons are hereby declared to be authorized to bear arms, viz.: All persons holding official, military or naval rank either under this government, or that of any nation at peace with this kingdom, when worn for legitimate purposes.

SECTION 3. This act shall take effect and become a law on the day of its passage.

Approved this twenty-fifth day of May, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT PROVIDING FOR RECIPROCAL DUTIES ON CERTAIN ARTICLES WITH THE UNITED STATES OF NORTH AMERICA.

mier and Chiefs of the Hawaiian

mber, staves and heading, the

produce or manufacture of the United States, shall be admitted into this kingdom free of all duty; provided the Government of the United States will admit the sugar, syrup of sugar, molasses and coffee, the produce of the Hawaiian Islands, into all the ports of the United States on the same terms.

SECTION 2. The evidence that articles proposed to be admitted into the ports of this kingdom, under the preceding section, are the produce or manufacture of the United States, shall be a certificate to that effect from the Hawaiian Consul of the port from which such articles are imported, or in case there shall be no such Consul resident in such port, a certificate to that effect from the Collector of the port.

SECTION 3. This act shall take effect on the day it is concurred in by the Government of the United States, and continue in force until annulled by the Government of the Hawaiian Islands, or of the United States; provided always that previous to any such annulment, the Government desiring to make the same shall give twelve months' notice of their intention so to do.

Done at the Palace in Honolulu this first day of March, in the year of our Lord, one thousand eight hundred and fifty-two.

KAMEHAMEHA.

KEONI ANA.

Approved by the Houses of Nobles and Representatives, May 25th, 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT ABOLISHING THE PUNISHMENT OF WOMEN WHO BECOME PREGNANT BY FORNICATION OR ADULTERY.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. No woman who shall become pregnant by fornication or adultery, shall be fined or otherwise punished, until after the birth of

the child; however, if the child shall not live to the age of four months, then the woman thus guilty, shall be punished in accordance with chapter XIII, of the Penal Code passed by the Legislature on the 21st day of June, A. D. 1850, but if the child shall live the time above specified, then the woman shall not be punished.

SECTION 2. This Act shall take effect from the day of its publication in the "Polynesian" and the "Elele Hawaii."

Approved this 19th day of June, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A VICE-PRESIDENT OF THE LAND COMMISSION.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. The President of the Board of Commissioners to quiet Land Titles shall be, and is hereby, empowered to appoint a Vice-President of said Board, who shall also be a member of said Board, and who shall discharge all the duties of the President, under responsibility to him, and shall have the direction and supervision of the business of the Board whenever said President may be absent. Such Vice-President shall be devoted exclusively to the labors of the Board, and hold no office disconnected with the Land Commission.

Whenever a vacancy shall occur in the office of such Vice-President by death, resignation, removal, or other cause, the vacancy shall be filled by the President.

SECTION 2. This Act shall take effect on the day of its passage.

Approved this 19th day of June, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT RELATING TO LAND TITLES OF KONOHIKIS.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That the Board of Commissioners to quiet Land Titles be, and is hereby, empowered to grant titles to Konohikis for whole Ahupuaas or Ilis of lands, received by them from the King in the division of 1848, awarding said lands by their proper names, without survey: provided, however, that this shall not apply to any land which has to be divided between two Konohikis, or between the King and any Konohiki, or between the Government and the King, or any Konohiki, which lands shall be awarded according to survey, at least in their dividing lines.

SECTION 2. This law shall take effect from and after the day of its passage.

Approved, this 19th day of June, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT RELATING TO THE SALE OF INTOXICATING LIQUORS ON THE SABBATH.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

THAT, from and after the first day of July, A. D. 1852, no person licensed to sell ardent spirits, either by the glass or bottle, or licensed to sell wine, ale, porter or spruce beer, shall sell or furnish the same from the hour of 10 o'clock of each Saturday evening until the hour of 5 o'clock A. M. of the Monday following, under a penalty of not more than five hundred dollars, nor less than one hundred dollars, upon conviction of such offense before any police or district justice: provided,

that this act shall not be so construed as to interfere with the ordinary supplies of the above-named liquors on the tables of hotels and victualing houses.

Approved this 22d day of June, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT TO ABOLISH THE LAW OF ILLICIT COHABITATION.

WHEREAS, the law relating to illicit cohabitation is misunderstood by the District Justices, misapplied, and made the engine of great oppression;

Therefore:

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. The fifth section of the thirteenth chapter of the Penal Code, relating to illicit cohabitation, shall be and is hereby repealed, and such offense shall hereafter be punished as adultery.

SECTION 2. This act shall take effect from the day of its passage.

Approved this 22d day of June, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

JOINT RESOLUTION.

WHEREAS, what yet remains unsold of the Ili of Kahapaakai in the valley of Nuuanu and one of the Fort lands, is so situated towards His Majesty's land of Kaluakaha, that if disposed of to any person but His Majesty much inconvenience must ensue;

And whereas, His Majesty has expressed a strong wish to possess the Ili of Kahapaakai aforesaid, and made application for the same to his Privy Council, who could not however dispose of it;

Therefore:

BE IT RESOLVED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

That the Ili of Kahapaakai in Nuuanu Valley, be presented in the name of his people to His Majesty the King, reserving the rights of third parties in the same, and that nothing contained in the law authorizing the sale of Fort lands by public auction, shall be applicable to Kahapaakai, which is hereby excluded from among the lands to be so sold.

Approved this 22d day of July, A. D. 1852.

KAMEHAMEHA.

KEONI ANA.

AN ACT RELATING TO THE BOARD OF COMMISSIONERS TO QUIET LAND TITLES.

Approved May 26th, 1853.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

That all claimants of land within this kingdom, who have entered their claims with the Board of Commissioners to quiet Land Titles, and who shall not have appeared before the said Board and proved their several claims, previous to the first day of May, A. D. 1854, shall be forever barred from proving the same; and the said Board of Commissioners are hereby authorized and required to give due notice of this act through the Polynesian and Elele newspapers, and to deal with all outstanding land claimants accordingly.

AN ACT PROVIDING FOR THE TRIAL OF DIFFERENT DEGREES OF CERTAIN OFFENSES UNDER ONE INDICTMENT.

Approved, June 16th, 1853.

BE IT ENACTED *by the King, the Nobles and the Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. Under an indictment for robbery, larceny, or any other offense of more than one degree, the jury may, when the evidence will not warrant a verdict of guilty in the degree for which the prisoner is indicted, return a verdict for any lesser degree of the same offense.

SECTION 2. This act shall take effect from the day of its passage.

AN ACT RELATING TO THE SECRETARY AT WAR.

Approved, June 16th, 1853.

BE IT ENACTED *by the King, the Nobles and the Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That section 4, of chapter 2, part 2, of an act entitled an "Act to organize the Executive Departments of the Hawaiian Islands," and other laws and parts of laws, conferring the duties, or any part of the duties of Secretary at War and of the Navy, upon any one of His Majesty's Ministers, *ex officio*, shall be, and the same are hereby repealed; and His Majesty may, in his discretion, by special commission, confer the duties of said office upon any one of His Cabinet Ministers, or upon any other person, as He may judge best, for the good of His service: provided that such Secretary at War shall not be entitled to receive any additional pay for his services as such.

SECTION 2. This act shall take effect from and after the date of its passage.

AN ACT TO REMOVE FROM THE POLICE AND DISTRICT COURTS THE JURISDICTION IN CASES OF LARCENY IN THE SECOND DEGREE.

Approved, July 6th, 1853.

BE IT ENACTED *by the King, the Nobles and the Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That the third division of section 1, chapter 53, of the Penal Code, be and the same is hereby amended by striking out the word "second," and hereafter no Police Magistrate or District Justice shall have jurisdiction in case of larceny in the second degree, as described in the second division of the 15th section of the 16th chapter of the Penal Code, but such cases shall be tried by a jury.

SECTION 2. This act shall become a law in thirty days from the date of its publication in the Polynesian newspaper and Elele Hawaii.

AN ACT REGULATING THE DISBURSEMENT OF MONEY APPROPRIATED FOR THE MILITARY.

Approved, Nov. 2d, 1853.

BE IT ENACTED *by the King, the Nobles and the Representatives of the Hawaiian Islands in Legislative Council assembled:*

THAT, from and after the date of the passage of this act, no part of any appropriation, which may be made for military purposes, shall be drawn from the treasury, except by order of the Secretary of War, whose duty it shall be to account for the particulars of such disbursements in his yearly report to the Legislature.

JOINT RESOLUTION.

Approved, Nov. 2d, 1853.

BE IT RESOLVED *by the King, the Nobles and the Representatives of the Hawaiian Islands in Legislative Council assembled:*

THAT, the Secretary at War shall be, and is hereby authorized to dispose, in such manner as he may judge most profitable, of all cannon and other arms as may be superfluous, or unfit for service, and to apply the proceeds thereof to the repair and purchase of such cannon, arms and accoutrements, as may be needed, accounting in his annual reports to the Legislature, for his proceedings in this matter.

AN ACT FOR THE RELIEF OF HIS MAJESTY AND THE MEMBERS OF THE PRIVY COUNCIL.

Approved, April 29th, 1854.

WHEREAS, the appropriation of ten thousand dollars by the Legislature of 1853, for the expenses occasioned by the presence of the small pox on these islands, proved insufficient; and whereas His Majesty and the members of his Privy Council most generously raised on their own responsibility, an additional sum for that object, which sum, with the interest thereon to 1st of May, amounts to ($20,115 84) twenty thousand one hundred and fifteen and 84-100 dollars; therefore,

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That the Minister of Finance be, and is hereby authorized to pay, out of any sums now in the treasury, not otherwise appropriated, to the holders of the two notes negotiated by him for the Royal Commissioners of Public Health, and signed by His Majesty and the members of the Privy Council, the sum of twenty thousand one hundred and fifteen dollars and eighty-four cents, on the first day of May, 1854; and to discharge the signers of said notes from all further liability thereon.

SECTION 2. This act shall take effect from and after the day of its passage.

AN ACT TO REGULATE THE RETAILING OF INTOXICATING DRINKS IN THE CITY OF HONOLULU.

Approved, June 23d, 1854.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That the Minister of the Interior is hereby authorized and empowered to grant, for one year, to any person, a license to sell spirituous liquors at retail, without discrimination between bottle and glass licenses, in Honolulu, within the limits prescribed for the year eighteen hundred and fifty-three, upon his paying into the public Exchequer, the sum of one thousand dollars, and filing with the Minister of the Interior a bond in the penalty of one thousand dollars, with at least one sufficient surety, to be approved by said minister, with the condition now prescribed in section sixth, of article 2d, of chapter 2d, of the second Act of Kamehameha III.

SECTION 2. This act shall be in operation from and after the first day of July, A. D. 1854, and all laws or parts of laws inconsistent herewith, are hereby repealed.

AN ACT TO REMOVE ALL DISABILITIES OF ALIENS BY REASON OF NOT OBTAINING CERTIFICATES OF NATIONALITY.

Approved, June 28th, 1854.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. All disabilities of aliens by reason of not obtaining certificates of nationality, shall be, and the same are hereby removed.

SECTION 2. Any objections that may be made to the validity of any transaction with an alien residing in this kingdom, on account of his not *having* obtained a certificate of nationality, shall be filed with the Clerk

of the Supreme Court within two months from the publication of this Act, or the person making the same shall be forever barred from raising such objection.

SECTION 3. This Act shall take effect from and after its passage, and sections 6 and 7, of article 1, chapter 5, part 1, of the second Act of Kamehameha III., and all other laws, or parts of laws, in contravention of this Act shall be, and the same are hereby repealed.

AN ACT TO PROVIDE FOR THE DISSOLUTION OF THE BOARD OF COMMISSIONERS TO QUIET LAND TITLES.

Approved, July 20th, 1854.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. The Board of Commissioners to quiet land titles shall be dissolved on the last day of March, A. D. 1855; and, until the 30th day of December of the present year, it shall be lawful for all parties having claims filed before said Board, to present evidence thereon sufficient for their final decision.

SECTION 2. All awards for land claims which may be remaining in the hands of the said Board or its agents, together with all the books and papers belonging to the said Board, at the time of its dissolution, shall be delivered into the hands of the Minister of the Interior for safe keeping, by a detailed inventory particularly describing the books and marking all important documents by numbers, of which inventory there shall be two identical copies, one of which shall remain with the Supreme Court, and the other with the Minister of the Interior, whose duty it shall be to deliver the remaining awards to the parties interested, on payment of the costs.

SECTION 3. Any award of the Land Commission not appealed from, within ninety days after its date, in accordance with the present laws,

shall be final and binding upon all parties, and shall be a good and sufficient title to the person receiving such award, his heirs and assigns, and shall furnish as good and sufficient a ground upon which to maintain an action for trespass, ejectment or other real action, against any person or persons whatsoever, as if the claimant, his heirs or assigns, had received a Royal Patent for the same: provided, that nothing in this section shall be construed as annulling the Government right to commutation in any freehold award as at present established by law.

SECTION 4. All the Land Commissioners are hereby required to sign all their awards previous to the delivery of the books and papers into the hands of the Minister of the Interior.

SECTION 5. That the fourth, fifth and twelfth sections of article fourth, chapter seventh, of part first, of the "Act to organize the Executive Departments of the Hawaiian Islands," and all other laws or parts of laws which conflict with the provisions of this Act be, and the same are hereby repealed.

SECTION 6. This Act shall take effect and become a law from and after the date of its passage.

AN ACT FOR THE RELIEF OF CERTAIN KONOHIKIS.

Approved, August 10th, 1854.

WHEREAS, certain Konohikis who received lands from His Majesty, at the great division of lands, in the year 1848, did, from accidental causes, fail to present their claims to such lands to the Board of Commissioners to quiet land titles, within the time allowed by law, and have, in consequence, been barred; therefore,

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That any Konohiki who received land from the King, at the division of lands in the year 1848, and who failed, from any cause

whatsoever, to present his claim for such land to the Board of Commissioners to quiet land titles, previous to the 14th day of February, A. D. 1848, may present his claim for such land to the said Board of Commissioners, at any time previous to the first day of November next ensuing; and the said Board of Commissioners are hereby authorized to receive, hear, and determine all claims that may be presented to them under the foregoing provisions, in like manner, as if such claims had been presented to them previous to the 14th day of February, A. D. 1848.

SECTION 2. This act shall take effect and become a law from and after the date of its passage.

JOINT RESOLUTION FOR THE RELIEF OF JOHN RICORD.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

That any note or notes in the hands of the Minister of Finance against John Ricord, Esq., formerly Attorney-General of this kingdom, is hereby declared cancelled; and that the Minister of Finance be instructed to return the same to the said John Ricord, together with a certified copy of this resolution.

AN ACT TO INCORPORATE THE HONOLULU SAILORS' HOME SOCIETY.

WHEREAS, an association was formed on the 20th of November, 1854, in the City of Honolulu, under the name of "The Honolulu Sailors Home Society," for the purpose of improving the social, moral and religious condition of seamen, resorting to this port, by the establishment and maintenance of a Home of good character, from which all intoxicating liquors shall be excluded, and by such other means as shall be deemed proper, and whereas the said association have petitioned for an act of incorporation in order more fully to effect the purpose; therefore,

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That Elisha H. Allen, Richard Armstrong, Ichabod Bartlett, Chas. H. Butler, Wm. St. Maur Bingham, Samuel N. Castle, Samuel C. Damon, John Ii, Geo. B. C. Ingraham, Wm. H. Johnson, Gerrit P. Judd, Wm. L. Lee, George M. Robertson, Thomas Spencer, J. T. Waterhouse, H. M. Whitney, H. J. H. Holdsworth, and J. E. Chamberlain, and their associates and successors, be and are hereby incorporated, and made a body politic, under the name of "the Honolulu Sailors' Home Society," and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution; and in their said corporate capacity, they and their associates and successors forever, may take, receive, have and hold in fee simple or otherwise, lands, tenements and hereditaments, by gift, grant or otherwise, and may also take and hold by donation, bequest or otherwise, personal estate, and the said real or personal estate shall be faithfully appropriated to the purpose and object of establishing and maintaining a Sailors' Home as aforesaid, and not otherwise; and the said corporation may have a common seal, which they may alter or renew at pleasure.

SECTION 2. Any person contributing one dollar annually, shall be a member, and by the payment of fifty dollars shall be a life member.

SECTION 3. The control and disposal of the funds, property and estate of the Society, and the direction of all its concerns shall be vested in a board of trustees, consisting of eighteen persons residing in Honolulu, who shall be chosen by the members of the Society at its annual meeting, and the trustees last chosen shall hold their offices until their successors are chosen, ten of whom shall be a quorum at any meeting regularly convened. The Board of Trustees shall be divided into three classes, of six each. One class shall go out at the end of each year, but shall be re-eligible. The said Board shall have power to elect from their own number a president, vice-president, treasurer, secretary and executive committee of three, and to appoint such other committees as shall from time to time be deemed necessary. The Board shall also have power to fill vacancies in its own body, occasioned by resignation, death

or any other circumstance. At the annual election the twelve trustees remaining, shall have power to nominate twelve candidates, from whom six may be elected by the Society to fill up the Board, and the present officers of said Board shall continue in office until their successors are elected.

SECTION 4. The Board of Trustees shall have power to appoint their own meetings, form their own rules of business, and employ such other means for accomplishing the object of the Society, as in their judgment, its exigencies may require, keeping regular minutes of their proceedings.

SECTION 5. The conveyance of any real estate, or a lease thereof, may be made with the concurrence of two-thirds of the trustees present at any meeting duly called.

SECTION 6. The property of the Society is alone liable for the payment of its debts and liabilities, it being hereby expressly declared that no personal liability is incurred by its members.

SECTION 7. All contracts and deeds which the said Board of Trustees may lawfully make and execute, signed by their President and countersigned by their Treasurer, and sealed with the common seal of said corporation, shall be valid in law to all intents and purposes.

SECTION 8. This Act shall take effect from and after the day of its passage.

Approved, this 7th day of May, 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

AN ACT TO AMEND THE LAW RELATING TO APPEALS FROM THE BOARD OF COMMISSIONERS TO QUIET LAND TITLES.

WHEREAS, the functions of the President of the Board of Commissioners to quiet land titles ceased on the 31st day of March, 1855, by the dissolution of the said Board as required by law; therefore,

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That upon any appeal being taken from the decision of the Board Commissioners to quiet land titles after the 31st day of March, 1855, the bond required by section 7, article 3, chapter 3, of the Act to organize the Judiciary Department, for such appeal, shall be approved by the Minister of the Interior.

SECTION 2. This act shall take effect from and after the day of its passage.

Approved this 14th day of June, 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

AN ACT TO AUTHORIZE THE MINISTER OF FINANCE TO NEGOTIATE A LOAN.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That it shall be lawful for the Minister of Finance, by and with the advice and approval of His Majesty and Privy Council, to negotiate a loan by the issue of exchequer bills, or in any other mode deemed best, for a sum not exceeding one hundred and fifty thousand dollars.

SECTION 2. The amount arising from the aforesaid loan shall be appropriated for the objects and improvements provided for by law.

SECTION 3. This Act shall take effect from and after the date of its publication in the Polynesian newspaper.

Approved this 25th day of June, 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

JOINT RESOLUTION FOR THE RELIEF OF THE ESTATE OF HIS LATE MAJESTY KAMEHAMEHA III.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

The Minister of Finance is hereby authorized to settle the notes and accounts of His late Majesty with the Hawaiian Treasury, together with all claims and offsets of His late Majesty against said Treasury, and remit the balance due from His late Majesty's estate, to the executors of the same.

Approved this 27th day of June, A. D. 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

AN ACT TO AUTHORIZE THE PURCHASE OR CONSTRUCTION OF AN INTER-ISLAND STEAMER.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. The Minister of the Interior is hereby authorized by and with the advice and consent of the King and Cabinet, to purchase, or contract for the construction of a steamboat for inter-island trade, with all necessary furniture and equipment, and deliver the same at the port of Honolulu, at a cost not exceeding the sum of sixty thousand dollars.

SECTION 2. The Minister of Finance is hereby authorized, on the order of the Minister of the Interior, for the purpose aforesaid, to issue exchequer bills, payable to said Minister or his order, for a sum not exceeding sixty thousand dollars, payable at such time and rate of interest as His Majesty and Cabinet may determine: provided, however, should it be found necessary to pay cash in part in lieu of exchequer bills for the same amount, the Minister of the Interior is hereby authorized to draw on the treasury for a sum not exceeding twenty thousand

dollars to be paid out of any moneys not otherwise appropriated; and provided further that said Minister of the Interior may, at his discretion, permit private parties to take a proportionate interest in said steamer.

SECTION 3. No charges of harbor dues of any kind or for customs on any article imported for the use of said steamer shall be made.

SECTION 4. This act shall take effect from and after the date of its passage.

Approved this 2d day of May, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

SESSION LAWS OF 1858-9.

AN ACT TO REPEAL THE ACT ENTITLED "AN ACT TO TRANSFER THE BUREAU OF PUBLIC IMPROVEMENTS FROM THE OFFICE OF THE MINISTER OF THE INTERIOR TO THE OFFICE OF THE SECRETARY AT WAR."

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That from and after the date of the passage of this act, the act entitled, "An Act to transfer the Bureau of Public Improvements from the office of the Minister of the Interior to the office of the Secretary at War," approved on the 14th day of June, A. D. 1855, be and the same is hereby repealed, and the Bureau of Internal Improvements shall henceforth be a bureau of the Department of the Interior.

Approved this 26th day of June, A. D. 1858.

KAMEHAMEHA.

KAAHUMANU.

JOINT RESOLUTION.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

That a joint committee, to consist of five members of the House of Nobles and five members of the House of Representatives be chosen, to whom shall be referred the Revised Statutes, which have been prepared by the commissioners appointed for the revision and codification of the laws, by the Legislature of 1856.

This committee shall report upon the Revised Statutes to the Legislature at an adjourned session to commence on the first Monday of December, 1858.

And be it further resolved, that this committee shall have the power to employ a clerk and translator to attend to the duties assigned them by the committee; and the Minister of Finance is hereby authorized to disburse to the order of the chairman of the committee, whatever necessary expenses may be incurred in carrying into effect the provisions of this resolution.

The members of the committee from the House of Representatives and also the House of Nobles, shall receive a compensation for their services, at the rate of three dollars each per day for each day's attendance.

Approved this 26th day of June, A, D. 1858.

KAMEHAMEHA.

KAAHUMANU.

AN ACT TO PROMOTE FENCING.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That the Minister of the Interior shall, upon the petition of twenty-five owners of land in any taxation district of this kingdom, appoint three persons residing on the island, where such district is situated, to be commissioners of fences for that district. Such commissioners shall hold office during good behavior; and the Minister of the Interior shall fill all vacancies occurring in their number, from death, resignation or otherwise.

SECTION 2. It shall be the duty of said commissioners, when called upon by any person or persons desirous of fencing their land, or who having fenced their lands desire to provide for the maintenance of the fence, to give public notice of the same, and to appoint a day upon which they will meet all parties interested, or their agents, upon the land; to pass over and view the line of such fence; to decide equitably

on the kind of fence to be built by the owners of adjoining lands, and the share which each owner shall build or maintain, designating the time within which the work shall be done; and to decide all disputes arising between the parties interested, in relation to the fence.

SECTION 3. In case any party shall refuse or neglect to build or maintain the portion of any fence assigned to him by the commissioners, the same may be done by the aggrieved party in the manner directed by the commissioners, and he shall be entitled to recover the expenses thereby incurred, as the same shall be assessed by said commissioners, a certified copy of whose assessment filed with any District Justice of the district, shall entitle the party to judgment and execution for the amount assessed, as in civil suits.

SECTION 4. In all cases, where, in the opinion of the commissioners it is inexpedient to establish a fence between adjoining lands, either from the nature of the land, the scarcity of fencing materials, or the conflicting rights of land-owners, said commissioners shall upon the application of either of such owners, decide how many animals each shall be at liberty to pasture upon his land, under a penalty to be specified by the commissioners, a certified copy of whose decision, filed with any District Justice of the district, shall, upon satisfactory proof of a violation thereof, entitle the aggrieved party to judgment and execution as in civil cases, for so much of the penalty as such justice shall deem just.

SECTION 5. Any party deeming himself aggrieved by a decision of the Fence commissioners, or of the District Justice, under the provisions of this act, may appeal therefrom to the Circuit Court of the island, or if the controversy is on the island of Oahu, to the Supreme Court, which Circuit or Supreme Court shall hear and determine the case in *banco*; provided, however, that any party desirous of so appealing shall give notice of the same to the Commissioners or to the District Justice, respectively, within five days after the rendition of their decision.

SECTION 6. The Fence Commissioners shall be entitled to demand and receive for their services, two dollars each for every case acted upon by them, and five cents per mile for all necessary travel in the performance of their duty, to be paid by the party applying for their intervention.

SECTION 7. This law shall not apply to any fence erected between lands belonging to private individuals, and those of the Government.

SECTION 8. This act shall take effect and become the law of the land, from and after the day of its passage.

Approved this 14th day of February, A. D. 1859.

KAMEHAMEHA.

KAAHUMANU.

AN ACT TO PREVENT THE LARCENY OF ANIMALS.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That whoever shall steal any neat cattle, horse, mule, sheep, ass, or deer, not exceeding the value of one hundred dollars, shall upon conviction before any Police or District Justice, be punished by imprisonment at hard labor not more than two years nor less than one month, in the discretion of the court.

SECTION 2. This Act shall take effect from and after the date of its publication in the "Polynesian" newspaper.

Approved this 14th day of February, A. D. 1859.

KAMEHAMEHA.

KAAHUMANU.

AN ACT TO PROVIDE MEANS FOR THE PURPOSE OF REPAIRING BRIDGES AND ROADS IN THE DISTRICT OF KONA, ISLAND OF OAHU, DAMAGED OR DESTROYED BY THE FRESHET OF DECEMBER, A. D. 1858.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That for the purpose of repairing the bridges and roads

in the district of Kona, Island of Oahu, damaged or destroyed by the freshet of December, 1858, there shall be, and hereby is imposed:

1. Upon all male inhabitants residing in said district from the age of sixteen up to fifty years, a tax of one dollar each; but the foregoing tax shall not be construed to apply to persons exempted from taxes under the Act relating to the Fire Department.

2. Upon all carriages used with one or more animals, a tax of five dollars each.

3. Upon all horse drays, wagons or carts used with one or more animals, a tax of four dollars each.

4. Upon all ox carts used with one or more yoke of oxen, a tax of four dollars each.

5. Upon all horses and mares a tax of fifty cents each, and upon all mules and asses a like tax of fifty cents each.

SECTION 2. The Minister of Finance is hereby charged with the assessment and collection of the taxes imposed by this act, under such rules and regulations as he may deem expedient; and he is also authorized to defray the expenses of said assessment and collection out of the proceeds of such taxes: holding the balance subject to the order of the Minister of the Interior as hereinafter provided.

SECTION 3. That the sum of six thousand dollars be, and hereby is appropriated out of the avails of the taxes provided for in section 1, for the purpose of repairing the bridges and roads hereinbefore specified, and the Minister of the Interior is hereby authorized to draw upon the Minister of Finance for that sum, to be expended for the aforesaid purpose.

Approved this 14th day of February, A. D. 1859.

KAMEHAMEHA.

KAAHUMANU.

AN ACT TO AUTHORIZE THE MINISTER OF THE INTERIOR TO SELL OR LEASE THE GOVERNMENT PRESS.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. The Minister of the Interior is hereby authorized to sell or lease the Government Press and all the appurtenances belonging to the same, whenever, in his discretion, he shall deem it best for the public interests.

SECTION 2. The Minister of the Interior is hereby authorized to contract for the government printing, and for the publication of all laws, orders, proclamations, reports, decisions, circulars, and notices, that may be required by either of the departments of government, with any person or persons, upon such terms, and for such a length of time as he may deem best for the interests of the Government.

SECTION 3. The Minister of the Interior shall be the keeper of the Public Stamp, which it shall be his duty, or the duty of his clerk or agent, to impress upon all documents required by law to be stamped, whenever the duties of the Director of the Government Press shall cease, by reason of the sale or lease of the said Press, as provided for in section 1.

SECTION 4. This act shall take effect and become a law from and after the date of its passage.

Approved this 14th day of February, A. D. 1859.

KAMEHAMEHA.

KAAHUMANU.

AN ACT TO AMEND THE THIRTEENTH CHAPTER OF THE PENAL CODE.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That from and after the day of the passage of this act,

the last clause of section fourth, chapter thirteenth, of the Penal Code, be and the same is hereby amended to read as follows, viz.:

"Whoever commits adultery shall be punished by a fine of thirty dollars, or in default of the payment of said fine, by imprisonment at hard labor for four months."

SECTION 2. That the second clause of section seventh of the same chapter, be and is hereby amended to read as follows, viz.:

"Whoever is guilty of the same shall be fined fifteen dollars, and in default of the payment of said fine, be imprisoned at hard labor for the term of two months."

Approved this 14th day of February, A. D. 1859.

KAMEHAMEHA.

KAAHUMANU.

AN ACT TO PROMOTE INTER-ISLAND COMMUNICATION.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

ARTICLE 1. That C. A. Williams, A. Mitchell, James M. Green, and their associates and successors, are hereby constituted a Body Corporate under the name of the Hawaiian Steam Navigation Company, with all the rights, privileges and immunities secured to incorporated companies by the Act relating to corporations, and subject to all the provisions thereof.

ARTICLE 2. The said company shall have the exclusive privilege of running a steamer or steamers between the several ports and islands of the Hawaiian Kingdom, for the term of six years from the arrival of the first steamer at the port of Honolulu, with the exemptions and privileges granted, or which may be hereafter granted to national merchant vessels.

shall have the privilege of obtaining

water from the government tanks for the use of their steam vessel or vessels, free of charge, for the term of six years as aforesaid.

ARTICLE 4. The said company shall have the privilege, for the term of six years, of having the exclusive right, free of charge, of a government wharf on the Esplanade, which shall be set apart by the Minister of the Interior for the use of their steamer or steamers, for landing passengers and freight, and also for a coal depôt, and shall be free of all port charges, and no taxes shall be imposed on said company for such steamer or steamers as they may employ during said term.

ARTICLE 5. All coal or other materials for the production of steam, and all machinery necessary for the use of any of the said steamers, shall be imported free of duty, and the vessels in which said coal or other materials or machinery are imported shall be free from harbor dues, provided they do not take on board any other article of traffic or commerce or any passengers.

ARTICLE 6. The said steamers shall be registered under the Hawaiian flag on the application of the agent of said company who shall be a resident of the kingdom, and said steamers shall enjoy all the privileges and be subject to all the laws affecting coasting vessels of this kingdom; and it is hereby expressly understood and declared that the right of towing and tugging is not included in the foregoing articles.

ARTICLE 7. In order to secure the foregoing privileges, the said company shall have employed in said inter-island navigation a good and substantial steamer of not less than 350 to 400 tons burthen, within fifteen months from the date of the passage of this act, and which said company shall keep employed for the said purposes contemplated in this Charter.

ARTICLE 8. In case the said steamer should be lost during the term of this monopoly, the agent of the said company shall give notice, within four months, to the Minister of the Interior, that it is the intention of the said company to replace the boat, or this grant shall be void.

ARTICLE 9. Said company shall allow their steamer or steamers to

be pressed into the government service in any emergency calling for the use of the same, the Government paying for the use of the said steamer or steamers so used, at the same rate as the said steamer or steamers earn on their regular trips, and in event of the loss of said steamer in such service, to pay to the said company the full value of the same.

ARTICLE 10. Said company shall afford the government any facilities in their power in carrying on any public improvements of the harbors of the group, the Government paying an adequate and fair compensation for the same as provided in article ninth.

ARTICLE 11. Said company shall carry the public mails between all the ports and places their vessels visit, and safely deliver the same to the person directed, free of charge, always giving seasonable notice of the time and place of departure.

ARTICLE 12. It is hereby expressly understood and declared that the Supreme Judicial Court of this kingdom shall have full power to examine and adjudicate on the fulfillment of the terms and conditions and obligations of this charter by said company, and on having due notice of time and place fixed by said Supreme Judicial Court for said examination, and on proof satisfactory to said court that the terms, conditions and obligations have not been complied with, said court shall have power, at their discretion, to abridge or modify the privileges of this grant, or declare the same forfeit.

Approved this 7th day of March, A. D. 1859.

KAMEHAMEHA.

KAAHUMANU.

We agree to the preceding articles, and in testimony of our conformity thereto, we sign this in Honolulu, this 18th day of March, A. D. 1859.

C. A. WILLIAMS,
ALFRED MITCHELL,
per his Attorney, C. A. Williams.
JAS. M. GREEN.

AN ACT GRANTING CERTAIN PRIVILEGES TO THE PROPOSED HONOLULU GAS COMPANY.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

ARTICLE 1. That the Minister of the Interior shall have power, with the sanction of the King in Privy Council, to grant unto W. H. Tiffany, James S. Wethered, H. Macfarlane, John Paty, and their associates and successors, associated under the name of the Honolulu Gas Company, the following privileges, in addition to the privileges and immunities secured to incorporated companies by the act relating to corporations.

ARTICLE 2. That the said company shall have the exclusive privilege of erecting gas works in such place or places as may be approved by the Minister of the Interior; of laying gas pipes in the streets and buildings, in all parts of the city of Honolulu; and of supplying the said city, and the inhabitants thereof, with gas, for the term of fifteen years.

This privilege shall not be construed, however, as giving the company the right to interfere in any way with private rights, with the government waterpipes, or any government improvement.

ARTICLE 3. That all the machinery, apparatus and gas pipes necessary for the said works belonging to the company, shall be imported free of duty.

This act shall take effect from and after the day of its passage.

Approved this 12th day of March, A. D. 1859.

KAMEHAMEHA.

KAAHUMANU.

AN ACT RELATING TO ENLISTMENT OF NATIVE SEAMEN.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That from and after the passage and publication of this

act, no contract entered into within the jurisdiction of this kingdom, between a native subject of the realm and the owners, agent, or master of any foreign vessel, for the performance of services as a seaman, shall have any binding effect, or be regarded as operative, in the courts of this kingdom, unless the said owners, agent or master, have complied with the Statute Laws of this kingdom regulating the enlistment of native sailors.

SECTION 2. Any native subject of the realm who may enter into a contract to perform services as a seamen on board of a foreign vessel, without the written consent of the Governor of the Island, or his agent, upon which the contract is entered into, having been first obtained according to the law of the land, shall be subject to a penalty of fifty dollars, to be recovered by prosecution in the courts of the island where the contract is made, and also to be arrested and detained by the order of the governor thereof, or the government shipping agent, until the vessel upon which he has agreed to perform the duties of a seaman, has departed the kingdom.

SECTION 3. This Act shall take effect from and after the date of its publication in the "Polynesian" newspaper.

Approved this 8th day of April, A. D. 1859.

KAMEHAMEHA.

KAAHUMANU.

AN ACT TO PROVIDE HOSPITALS FOR THE RELIEF OF HAWAIIANS IN THE CITY OF HONOLULU AND OTHER LOCALITIES.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. It shall be competent for the Minister of the Interior, under the regulations prescribed by the general law in regard to Corporations, to grant a perpetual charter to any of the inhabitants of the city of Honolulu applying for the same, being subjects or denizens of the kingdom, and to their successors, for the establishment of a hospital in

said city, or the vicinity thereof, for the relief of sick and destitute Hawaiians.

SECTION 2. The said Corporation when duly organized, shall have power to raise funds by subscription, donation, or otherwise, which may be invested for the purchase of medicines, the establishment of a dispensary and hospital, the payment of physicians, superintendents and nurses, or the renting or purchase of suitable buildings and hospital grounds, or the erection of such buildings in accordance with the discretion of such Corporation, or the proper Executive Board thereof, authorized to act in behalf of the same.

SECTION 3. The said Corporation may receive donations of lots of land in any part of the kingdom, and use or dispose of the same for the purpose herein contemplated, in accordance with the intention of the donors thereof.

SECTION 4. Whenever the said Corporation shall acquire funds, or the evidences thereof, in money and property, to the extent of five thousand dollars, and shall exhibit to the Minister of the Interior satisfactory proof of the same, the said Minister, with consent of the King, may convey to such Corporation any quantity of Fort or other Government lands and lots, or the proceeds of any such lands or lots, at his discretion, equivalent in value to said sum, to be used or held, as may be deemed advisable, for the proper uses and purposes of said Corporation.

SECTION 5. In case the Government shall, as aforesaid, or otherwise, become a contributor to such Corporation, the Board of Health shall be entitled to a voice in its management, in proportion to the property or funds contributed.

SECTION 6. The said Corporation shall be empowered to make all needful by-laws and regulations for the management and government of a hospital, not inconsistent with the Constitution and laws of the kingdom; to hold real estate for its use, not exceeding in value at any one time, thirty thousand dollars, except hospital lots and buildings, and to sell, lease and convey the same as the interests of such institution may require.

SECTION 7. Such Corporation may, as soon as the same may be done, without interfering with the primary object of said institution, as herein before expressed, contract to receive and provide for sick and disabled seamen of other countries, or patients of any description who are fit subjects for hospital treatment.

SECTION 8. The Supreme Court shall be entitled to exercise a general supervision over said Corporation, to enforce its uses and trusts in cases of misapplication or mismanagement, to declare the same dissolved on conviction of palpable misconduct, and thereupon to wind up its affairs, so as best to secure the rights of all parties interested.

SECTION 9. One hospital may be established on each of the islands of Maui, Hawaii and Kauai, on the same terms and conditions and under the same restrictions as hereinbefore prescribed: provided, however, that whenever a fund in money or property for a hospital on either of said islands shall be raised to the amount of twenty-five hundred dollars, the Government may aid the same by donations of land to the same amount.

SECTION 10. This Act shall take effect and be in force from and after the date of its passage.

Approved this 20th day of April, A. D. 1859.

KAMEHAMEHA.

KAAHUMANU.

AN ACT FOR THE PROTECTION OF KOLEA, OR PLOVER, AND OTHER USEFUL BIRDS.

WHEREAS, great damage is caused yearly in the Hawaiian kingdom, during the rainy season, by the ravages of caterpillars, cutworms, and other destructive grubs, to the various growing crops, such as wheat, corn and tobacco, and to the pasturage;

AND, WHEREAS, by a bountiful dispensation of Providence, the birds known here as the kolea, or plover, and the akekeke, or lesser pied plover, and the kukuluaeo, or long-legged plover, annually migrate to

this kingdom during the winter months, and destroy vast numbers of the said destructive larvæ by feeding on them;

AND, WHEREAS, insectiverous birds have been brought from foreign countries, with a view to their being propagated here; therefore,

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That any person who shall, from the first day of August to the last day of December inclusive of each year, and from the first day of January to the last day of April inclusive of each year, kill or destroy by shooting, snaring, or otherwise, any one of the above specified birds, shall, on conviction thereof before any police magistrate or district justice, be fined in the penal sum of one dollar for each offense, to remain in custody until such fine be paid.

SECTION 2. Any person who shall, from the first day of August to the last day of December inclusive of each year, and from the first day of January to the last day of April inclusive of each year, sell, or offer for sale, any one of the before-named birds, shall, upon conviction thereof before any police magistrate or district justice, be fined in the penal sum of one dollar for each offense, to remain in custody until such fine be paid.

SECTION 3. Any person who shall shoot, snare, or otherwise destroy any insectiverous bird brought from foreign countries for the purpose of propagating their species within this kingdom, shall, on conviction before any police or district justice, be fined in the sum of ten dollars for each offense, and in default of payment be imprisoned until such fine is paid.

SECTION 4. Whoever shall sell, or offer for sale at any time, any one of the birds mentioned in section 3, shall, on conviction before any police or district justice, be fined in the sum of ten dollars, and in default of payment, be imprisoned until such fine is paid.

SECTION 5. All fines for the above offenses which may be collected under this act by any police magistrate or district justice, shall be paid quarterly into the Royal Hawaiian Treasury, and specified as "Fines

collected under the act for the protection of plover and other useful birds," and that all such sums shall be paid by the Treasurer of the Hawaiian Kingdom, one half to the Royal Hawaiian Agricultural Society, and one half to the Royal Hawaiian Native Agricultural Society, for the use and benefit of such societies respectively.

SECTION 6. This act shall take effect and become a law of the land at the expiration of sixty days from the date of its passage.

Approved this 20th day of April, A. D. 1859.

KAMEHAMEHA.

KAAHUMANU.

JOINT RESOLUTION FOR THE RELIEF OF GERRIT P. JUDD.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

That Gerrit P. Judd, late Minister of Finance, be and he is hereby released, forever, from all responsibility to His Majesty's Government, for a certain sum of money amounting to $2,930 44 which appears upon the books of the Department of Finance, debited to "Deficiency Account," under date of 23d June, A. D. 1852.

Approved this 20th day of April, A. D. 1859.

KAMEHAMEHA.

KAAHUMANU.

AN ACT TO PROVIDE A FURTHER SUPPLY OF WATER FOR THE CITY OF HONOLULU.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

ON 1. That it shall be lawful for the Minister of the Interior, by with the vice [illegible] of His Majesty in Cabinet Council, to [illegible] eding fifty thousand dollars.

SECTION 2. The amount arising from the said loan shall be applied by the Minister of the Interior, for the purchase and laying down of new water-pipes, through the city of Honolulu, from the Nuuanu or Pauoa Valleys.

SECTION 3. The Minister of the Interior is authorized to guarantee the payment of this loan, by a mortgage on the receipts from water supplied to the shipping and residents of Honolulu, and the Minister of Finance shall set apart and pay over to the mortgagees, all such receipts from water until the whole of the principal and interest of the aforesaid loan is paid off.

SECTION 4. The Minister of the Interior shall have power to make such rules not in contravention of law, for the regulation and sale of water, to the residents of Honolulu, as may be approved of by His Majesty in Cabinet Council.

SECTION 5. This act shall take effect from and after the date of its passage.

Approved this 21st day of April, A. D. 1859.

KAMEHAMEHA.

KAAHUMANU.

AN ACT TO AUTHORIZE THE MINISTER OF THE INTERIOR TO GRANT A CHARTER OF INCORPORATION TO A "CEMETERY ASSOCIATION" FOR THE CITY OF HONOLULU.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. The Minister of the Interior is hereby authorized, at his discretion, to grant a charter of Incorporation for a "Cemetery Association" for the city of Honolulu, to any persons applying therefor, subject to all the regulations and requirements prescribed in the act relating to corporations, passed April 17th, 1856, and amended April 24th, 1856; but without limit as to time.

SECTION 3. This Act shall take effect from and after the date of its passage.

Approved this 4th day of May, A. D. 1859.

KAMEHAMEHA.

KAAHUMANU.

JOINT RESOLUTION.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

That the Minister of Finance be authorized to pay to the Heirs of his late Royal Highness, Moses Kekuaiwa, the sum of six thousand eight hundred and forty 41-100 dollars, being principal and interest on sundry amounts received by Government for the sale and lease of portions of said M. Kekuaiwa's land of Koloa, island of Kauai.

Approved this 9th day of May, A. D. 1859.

KAMEHAMEHA.

KAAHUMANU.

AN ACT TO AID IN THE ESTABLISHMENT OF HOSPITALS FOR THE BENEFIT OF SICK AND DISABLED HAWAIIAN SEAMEN.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. Any passenger arriving from a foreign port at any of the ports of this kingdom, shall be subject to a tax of two dollars for the support of hospitals for the benefit of sick and disabled Hawaiian seamen, which shall be paid to the several collectors of customs before any permit is issued to such passenger in accordance with existing laws, or the pro[illegible] of the Civil Code h[illegible] to go into effect.

[illegible]arly returns, in the

manner and form prescribed by law, of the amounts received by them, in pursuance of the foregoing section, to the Minister of Finance, who is required to hold the same subject to the disposition of the Minister of the Interior, according to the requirements of the Civil Code in regard to the hospital tax on Hawaiian seamen.

SECTION 3. If the master of any vessel shall allow any passenger to land his baggage or other effects, at any port of this kingdom, without the payment of the aforesaid tax, he shall be liable therefor, and also to a penalty of not less than ten nor more than fifty dollars, to be imposed by the collector, in his discretion; such baggage or other effects shall be subject to seizure and sale.

All penalties under this act shall accrue to the benefit of said hospital fund.

SECTION 4. This act shall take effect and be in force from the date of its publication in the "Polynesian" newspaper.

Approved this 13th day of May, A. D. 1859.

KAMEHAMEHA.

KAAHUMANU.

JOINT RESOLUTION RELATING TO THE CLAIM OF THE HEIRS OF MOSES KEKUAIWA.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That the House of Representatives do appoint one person, the Minister of Finance be required to appoint a second, and the heirs of His Royal Highness the late Prince M. Kekuaiwa be allowed to select a third, to which three persons shall be referred the claim of the heirs of the late Prince Moses Kekuaiwa now before the Legislature on petition to the House of Representatives, with power to summon witnesses; and the Minister of Finance is hereby authorized to pay any award that may be rendered in the matter, should any award be rendered by the said referees, or a majority of them, in favor of the said heirs.

And the District Attorney of Oahu is hereby required to appear before the referees which may be selected and defend the interests of the Government.

The claimant shall, previously to the commencement of proceedings before said referees, give security to pay all costs that may accrue by this investigation whatever may be the result.

SECTION 2. This act shall take effect from and after the day of its passage.

Approved this 13th day of May, A. D. 1859.

KAMEHAMEHA.

KAAHUMANU.

JOINT RESOLUTION RESPECTING THE PUBLICATION OF THE CIVIL CODE.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That the Minister of the Interior be authorized to appoint two commissioners to examine and make conform the Hawaiian and English versions of the Civil Code previous to their publication; to reconcile and amend all verbal discrepancies therein, and which commissioners shall also be charged with the duty of superintending the printing of said Code, and preparing proper indices of the same.

SECTION 2. That the said commissioners be further charged with the duty of prefixing in the same volume the Constitution of the Kingdom, with the amendments of the same therein incorporated, and of appending so much of the laws now in force, not expressly repealed, or expressly reënacted by the Civil Code, as to them shall seem expedient; the acts of the present Session; and all treaties with foreign Powers now in force, and the treaty recently concluded with France.

SECTION 3. That the said commissioners be, and hereby are authorized to draw upon the Minister of Finance for the sum of five hundred

dollars, as remuneration for performing the duties imposed upon them by sections first and second of this resolution.

Approved this 13th day of May, A. D. 1859.

KAMEHAMEHA.

KAAHUMANU.

AN ACT TO AMEND CHAPTER XLII OF THE PENAL CODE.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

THAT Chapter 42 of the Penal Code be and the same is hereby amended by the insertion of a new section, as follows:

SECTION 4. Whoever shall distil any spirits in this kingdom, shall be punished by a fine not exceeding one thousand dollars, nor less than fifty dollars, and in default of payment of such fine shall be imprisoned at hard labor for a term not exceeding two years.

This act shall take effect and become a law on and after the day of its passage.

Approved this 27th day of June, A. D. 1859.

KAMEHAMEHA.

KAAHUMANU.

TREATIES

WITH FOREIGN COUNTRIES.

TREATIES WITH FRANCE AND GREAT BRITAIN, SIGNED AT HONOLULU, MARCH 26TH, 1846.

FRENCH TREATY.

Le temps ayant démontré la convenance de substituer un traité général aux diverses conventions mutuellement consenties jusqu'ici par la France et les Iles Sandwich, les Gouvernements Français et Havaien sont réciproquement convenus des articles suivants, et les ont signés après avoir reconnu et arrêté que tout autre traité ou convention, actuellement existant entre les parties contractantes, serait désormais considéré comme nul et de nul effet :

ARTICLE I. Il y aura paix et amitié perpétuelles entre S. M. le Roi des Français et le Roi des Iles Sandwich, entre leurs héritiers et successeurs.

ARTICLE II. Les sujets de S. M. le Roi des Français demeurant dans les possessions du Roi des Iles Sandwich, jouiront, quant aux droits civils, et pour ce qui regarde leurs personnes et leurs propriétés, de la même protection que s'ils étaient sujets indigènes, et le

Iles Sandwich s'engage à leur accorder les mêmes droits et priviléges, que ceux accordés maintenant, ou qui pourront être accordés plus tard aux sujets de la nation la plus favorisée.

ARTICLE III. Aucun Français accusé d'un crime ou délit quelconque, ne pourra être jugé que par un jury composé de résidens indigènes, ou étrangers proposés par le Consul de France, et agrées par le Gouvernement des Iles Sandwich.

ARTICLE IV. Le Roi des Iles Sandwich étendra sa protection sur les navires Français leurs officiers et équipages: en cas de naufrage les chefs et habitans des différentes parties des Isles Sandwich devront leur porter secours et les garantir de tout pillage.

Les indemnités de sauvetage seront réglées, en cas de difficulté, par des arbitres nommés par les deux parties.

ARTICLE V. La désertion des marins embarqués à bord des navires Français sera sévèrement réprimée par les Autorités locales, qui devront user de tous les moyens à leur disposition, pour arrêter les déserteurs. Toute dépense faite dans de juste limites pour s'emparer d'eux sera remboursée par les Capitaines ou propriétaires des dits navires.

ARTICLE VI. Les marchandises Françaises ou reconnues comme venant des possessions Françaises, ne pourront être prohibées ou soumises à un droit d'entrée plus élevé que celui de 5 pr. cent ad valorem. Les vins, eaux de vie et autres liqueurs spiritueuses sont exceptés et pourront être soumis à tout droit équitable, dont le Gouvernement des Iles Sandwich jugera convenable de les frapper, mais à condition que ce droit ne sera jamais assez élevé pour devenir un empêchement absolu à l'importation des dits articles.

ARTICLE VII. Les droits de tonnage ou d'importation, ou tout autre droit levé sur des navires Français, ou sur des marchandises importées par des navires Français, ne devront point excéder les droits imposés aux navires, ou aux marchandises de la nation la plus favorisée.

ARTICLE VIII. Les sujets du Roi des Isles Sandwich seront traités

sur le pied de la nation la plus favorisée, dans leurs relations commerciales ou autres avec la France.

Fait à Honolulu, le 26 Mars, 1846.

EM. PERRIN,
Consul de France, Chargé d'une Mission Spéciale, aux Iles Sandwich.
[L. S.]

R. C. WYLLIE,
His Hawaiian Majesty's Minister of Foreign Relations.
[L. S.]

IOANE Ii,
Member of the Treasury Board,
[L. S.]

BRITISH TREATY.

It being desirable that a general convention should be substituted for the various instruments of mutual agreement at present existing between Great Britain and the Sandwich Islands, the following articles have, for that purpose and to that intent, been mutually agreed upon and signed between the Governments of Great Britain and the Sandwich Islands, and it has been determined that any other Treaty, or Conventional Agreement, now existing between the respective parties, shall be henceforward abrogated and considered null and of no effect:

Article I. There shall be perpetual peace and amity between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the King of the Sandwich Islands, their heirs and successors.

Article II. The subjects of Her Britannic Majesty residing within the dominions of the King of the Sandwich Islands, shall enjoy the same protection in regard to their civil rights as well as to their persons and properties, as native subjects; and the King of the Sandwich Islands engages to grant to British subjects the same rights and privileges which now are, or hereafter may be, granted to or enjoyed by any other foreigners, subjects of the most favored nation.

Article III. No British subject accused of any crime whatever shall be judged otherwise than by a jury composed of native or foreign residents, proposed by the British Consul and accepted by the Government of the Sandwich Islands.

ARTICLE IV. The protection of the King of the Sandwich Islands shall be extended to all British vessels, their officers and crews. In case of shipwreck, the chiefs and inhabitants of the different parts of the Sandwich Islands shall succour them and secure them from plunder. The salvage dues shall be regulated, in case of dispute, by arbitrators chosen by both parties.

ARTICLE V. The desertion of seamen embarked on board of British vessels shall be severely repressed by the local authorities; who shall employ all the means at their disposal to arrest deserters; and all reasonable expenses of capture shall be defrayed by the captains or owners of the said vessels.

ARTICLE VI. British merchandise or goods recognized as coming from the British dominions, shall not be prohibited, nor shall they be subject to an import duty higher than five per cent. *ad valorem*. Wines, brandies, and other spirituous liquors are however excepted from this stipulation, and shall be liable to such reasonable duty as the Hawaiian Government may think fit to lay upon them, provided always that the amount of duty shall not be so high as absolutely to prohibit the importation of the said articles.

ARTICLE VII. No tonnage, import or other duties shall be levied on British vessels, or goods imported in British vessels, beyond what are levied on vessels or goods of the most favored nation.

ARTICLE VIII. The subjects of the King of the Sandwich Islands shall, in their commercial or other relations with Great Britain, be treated on the footing of the most favored nation.

Done at Honolulu the 26th of March, 1846.

WM. MILLER,
H. B. M.'s Consul-General for the Islands in the Pacific Ocean.
[L. S.]

R. C. WYLLIE,
His Hawaiian Majesty's Minister of Foreign Relations.
[L. S.]

IOANE Ii,
Member of the Treasury Board.
[L. S.]

TREATY WITH DENMARK, SIGNED AT HONOLULU, OCTOBER 19TH, 1846.

DANISH.

Da det er önskeligt at en almindelig Convention og et Document til Rettesnor for gjensidig Overeenskomst finder Sted imellem Danmark og Hawaii Oerne, er Man, af den Grund og i saadan Hensigt kommen overeens om följende Artikler, der ere undertegnede af Regeringerne i Danmark og Hawaii Oerne.

Art. I. Der skal være evig Fred og Venskab imellem hans Majestæt Kongen af Danmark og Hans Majestæt Kongen over de Hawaiianske Oer, deres Arvinger og Efterfölgere.

Art. II. Hans Majestæt Kongen of Danmarks Undersaatter, der ere bosiddende i Kongeriget Hawaii, skulle med Hensyn til deres borgerlige Bettigheder, saavelsom ti deres Personer og Eiendomme, nyde samme Beskyttelse some indfödte Undersaatter, og Hans Majestæt Kongen over Hawaii Oerne forpligter sig til at tilstaae danske Undersaatter de samme Rettigheder og Privileger, som nu ere, eller herefter maatte blive tilstaaede eller nydte af den meest begunstigede fremmede Nations Undersaatter.

Art. III. Denne Hans Hawaiianske Majestæts Beskyttelse skal udstrække sig til alle danske Skibe, deres Officerer og Manskab i hans Kongeriges Havne og Rheder. I Krigstid skulle de nyde al mulig Beskyttelse imod Hans Majestæt Kongen of Danmarks Fjender. I Tilfælde af Skibbrud skulle de Kongelige Local-Autoriteter og Embedsmænd efter yderste Evne understötte dem og skikre dem for Plyndring.

Bjergelön skal afgjöres overeenstemmende med den almindelige Bjergnings Lov og i tvivlsomme Tilfælde afgjöres Sagen ved Voldgiftsmænd valgte af begge Parter.

Art. IV. Desertation af Sömænd henhörende til danske Skibe skal modarbeides og forhindres af de locale Autoriteter, some skulle anvende alle de til deres Raadighed staaende Midler for at anholde og arrestere saadanne Deserteurer, og de lovlige Udgifter skulle udredes af Capitainen

eller Rhederne. I saadanne Tilfælde bör ingen unödvendig Strenghed anvendes, og tilbörlig Underretning bör strax meddeles den danske Consul overeensstemmende med denne Tractats VI Artikel.

Art. V. Danske Undersaatter skulle tillades at boe eller nedsötte sig hvorsomhelst i Kongeriget Hawaii, efter at have erholdt et Vidnesbyrd fra den danske Consul, der godtgjör at de ere dertil værdige Individer. Det bliver Consulens Pligt ikke at udstede saadanne Documenter til Andre end *bona fide* Undersaatter of Hans Majestæt Kongen of Danmark.

Skulde danske Sömænd önske at forblive paa Oerne, skal Tilladelsen hertil först indhentes af Regeringen, igjennem den danske Consul.

Art. VI. Man er kommen overeens om at det skal paalægges den danske Consul ivrigen at söge paa en venskabelig og mindelig Maade alle Vanskeligheder afgjorte, som maatte finde Sted med danske Undersaatter, og naar nogen Sag er bragt for Retten til fremmede Sagers Afgjörelse, skal den fungerende Dommer snarest muligt underrette den Danske Consul om det Forefaldne. Ligeledes bör Consulen uopholdelig underrettes om, ved Præfecten eller anden Politie-Embedsmand, naar danske Sömænd eller Undersaatter ere blevne fængslede paa Grund af Politie—eller andre Forseelser.

Art. VII. Ingen danske Producter eller andre Varer ombord i eller indförte i danske Skibe, som ere tilladte at indföres af fremmede Skibe, skulle forbydes at indföres, eiheller derfor betale mere end saadanne Toldafgifter, som i saadant Tilfælde ere paalagte den meest begunstigede Nation. Enhver Forandring i Toldafgifterne, maa ikke fuldbyrdes eller sættes i Kraft förend tolv Calender Maaneder efter den förste offentlige Bekjendtgjörelse af saadan Forandring.

Art. VIII. Danske Handelsvarer og Eiendomme, eller Gods indförte i danske Skibe, der ere underkastede en Indförselstold höiere end 5 per cts. *ad valorem*, er det tiladt at oplægge paa Transit, ene imod Erlæggelse af den sædvanlige Transittold.

Saalænge til at en Bygning, bestemt til saadant Oplag paa Transit, er bleven opfört af den Hawaiianske Regering, skal det være tilladt, at oplægge saadanne, danske Handelsvarer eller Eiendomme eller Gods,

indförte i danske Skibe, paa Transit i private Pakhuse under de vedkommende Hawaiianske Told-Embedsmænds Segl og Overtilsyn og under Ansvar af Godsets Eier eller den til hvem Godset er consigneret.

ART. IX. Alle danske Skibe skulle have Ret og Privilegium til at sælge deres Ladning eller en Deel af samme i hvilkensomhelst Havn paa de Hawaiianske Oer, der nu ere aabne eller herefter aabnes for fremmed Handel og at indlade hvilkesomhelst Hawaiianske Producter, som maatte modtages i Betaling for saadan Ladning. Derimod skal det ikke være tilladt danske Skibe at tage nogetsomhelst Gods eller Handelsvarer paa Fragt fra een O eller Havn til en anden, da saadan Kysthandel alene er forbeholdt Skibe seilende under Hawaiiansk Flag.

ART. X. Hans Majestæt Kongen af Hawaii Oernes Undersaatter skulle i deres Handels forhold saavelsom i enhver anden Henseende til Danmark og dets Besiddelser, behandles paa samme Fod, som den meest begunstigede Nation.

Givet i Honolulu den 19 October 1846.

R. C. WYLLIE,
Hans Hawaiianske Majestæts Minister for udenlanske Anliggender, og Medlem af hans Statsraad.
[L. S.]

STEEN BILLE,
Hans Kongelig danske Majestæts Kammerherre, Captain i So Etaten, Ridder af Danebroge og af den franske Orden "pour le merite militaire," Chef af den danske Orlogs-Corvet Galathea.
[L. S.]

TILLÆGS ARTIKEL.—Denne Traktat skal ikke være vedvarende forbindende, förend den er ratificeret af Hans Majestæt Kongen of Danmark. Imidlertid er Man, da muligen danske Skibe eller Undersaatter kunde ankomme, kommen overeens om, at den forelöbig skal træde i Kraft fra den Dag af, Hans Majestæt Kongen over Hawaii Oerne har ratificeret den.

Givet i Honolulu den 19 October, 1846.

R. C. WYLLIE,
Hans Hawaiianske Majestæts Minister for udenlanske Anliggender, og Medlem af hans Statsraad.
[L. S.]

STEEN BILLE,
Hans Kongelige danske Majestæts Kammerherre, Captain i So Etaten, Ridder af Danebroge og af den franske Orden "pour le merite militaire," Chef af den danske Orlogs-Corvet Galathea.
[L. S.]

ENGLISH VERSION.

It being desirable that a general convention, and instrument of mutual agreement, should exist between Denmark and the Hawaiian Islands, the following articles have for that purpose, and to that intent, been mutually agreed upon and signed between the Governments of Denmark and the Hawaiian Islands:

Art. I. There shall be perpetual peace and amity between His Majesty the King of Denmark, and His Majesty the King of the Hawaiian Islands, their heirs and successors.

Art. II. The subjects of His Majesty the King of Denmark, residing within the dominions of the King of the Hawaiian Islands, shall enjoy the same protection in regard to their civil rights as well as to their persons and properties, as native subjects; and the King of the Hawaiian Islands engages to grant to Danish subjects the same rights and privileges which now are, or may hereafter be, granted to or enjoyed by any other foreigners, subjects of the most favored nation.

Art. III. The protection of the King of the Hawaiian Islands shall be extended to all Danish vessels, their officers and crews, within the harbors and roads of his dominions. In time of war, they shall receive all possible protection against the enemies of the King of Denmark. In case of shipwreck, the local authorities and officers of the King shall use their utmost exertions to succour them and secure them from plunder.

The salvage dues shall be settled according to the general law of salvage, and, in case of dispute, shall be regulated by arbitrators chosen by both parties.

Art. IV. The desertion of seamen belonging to Danish vessels shall be severely repressed by the local authorities, who shall employ all means at their disposal to arrest and confine deserters, and the lawful expenses shall be defrayed by the captain or owners. In such cases, no unnecessary severity is to be used, and due notice is to be immediately given to the Danish Consul, agreeably to the 6th article of this treaty.

ART. V. Danish subjects shall be allowed to reside or settle on any part of the dominions of the King of the Hawaiian Islands, upon obtaining a document certifying that they are worthy persons, from the Danish Consul, whose duty it is not to give any such document to others than *bona fide* subjects of His Majesty, the King of Denmark.

In the case of Danish sailors wishing to remain on the islands, permission shall be previously obtained of the Government, by the Danish Consul.

ART. VI. It is agreed that the Danish Consul shall be instructed to zealously attempt to settle amicably and extra-judicially, all difficulties arising with Danish subjects; and that when any case is brought before the court of foreign causes, the presiding judge shall, with the least possible delay, communicate knowledge thereof to the Danish Consul; also that when Danish sailors or subjects are committed, in consequence of police or other offenses, information shall be conveyed to him, forthwith, by the Prefect or other officer of the police.

ART. VII. No Danish productions, or any other goods on board of, or imported in Danish ships, that can be imported by other foreign ships, shall be prohibited, nor pay more than those duties levied on goods of the most favored nation. Any alteration in the duties levied on goods, shall not take effect nor be enforced, until twelve calendar months after the first public notification of such change.

ART. VIII. Danish merchandise and property, or goods imported in Danish vessels, liable to an entrance-duty higher than 5 per cent. *ad valorem*, shall be allowed to be bonded, paying only the usual transit duty.

Until the erection of a building by the Hawaiian Government for such warehousing and bonding, such Danish merchandise or property, or goods imported in Danish vessels, shall be allowed to be warehoused and bonded in private warehouses, under the seals and superintendence of the Hawaiian custom-house officers, and the responsibility of the owner of the goods, or the consignee.

ART. IX. All Danish vessels shall have the right and privilege of disposing of their cargoes, or any part thereof, at all or any of the ports

of the Hawaiian dominions, now open, or that may hereafter be opened to foreign commerce, and to take in any produce of the Hawaiian Islands which they may receive in payment of such cargoes. But they shall not be allowed to take any goods or merchandise or freight from one island or port to another, such coasting trade being restricted to bottoms sailing under the Hawaiian flag.

ART. X. The subjects of His Majesty, the King of the Hawaiian Islands, shall, in their commercial relations, or relations of any other nature, with Denmark and her possessions, be treated on the footing of the most favored nation.

Done at Honolulu this 19th day of October, 1846.

R. C. WYLLIE,	STEEN BILLE,
His Hawaiian Majesty's Minister of Foreign Relations, and Member of His Council of State.	His D. M.'s Chamberlain, and Post Captain of the R. N.; Knight of Danebroge, and of the French order "Pour le Merite Militaire," commanding H. D. M.'s Frigate Galathea.
[L. S.]	[L. S.]

ADDITIONAL ARTICLE.—This treaty shall not be permanently binding till it receive the ratification of His Majesty the King of Denmark; but in the meanwhile, for the sake of what Danish vessels or subjects may arrive, it is mutually agreed that it shall take effect, provisionally, from the date of its ratification by His Majesty the King of the Hawaiian Islands.

Done at Honolulu this 19th day of October, 1846.

R. C. WYLLIE,	STEEN BILLE,
His Hawaiian Majesty's Minister of Foreign Relations, and Member of His Council of State.	His D. M.'s Chamberlain, and Post Captain of the R. N.; Knight of Danebroge, and of the French order "Pour le Merite Militaire," commanding H. D. M.'s Frigate Galathea.
[L. S.]	[L. S.]

TREATY WITH HAMBURG, SIGNED AT HONOLULU, JANUARY 8TH, 1848.

IT being desirable that a general convention and instrument of mutual agreement should exist between Hamburg and the Hawaiian Islands, the following Articles have, for that purpose and to that intent, been mutually agreed upon and signed between the Governments of Hamburg and that of the Hawaiian Islands:

ARTICLE I. There shall be perpetual peace and amity between the Republic and free Hanseatic City of Hamburg, and His Majesty the King of the Hawaiian Islands, their heirs and successors.

ARTICLE II. The citizens of the Republic of Hamburg, residing within the dominions of the King of the Hawaiian Islands, shall enjoy the same protection in regard to their civil rights, as well as to their persons and properties, as native subjects; and the King of the Hawaiian Islands engages to grant to citizens of the Republic of Hamburg, the same rights and privileges which now are, or may hereafter be granted to or enjoyed by any other foreigners, subjects of the most favored nation.

ARTICLE III. The protection of the King of the Hawaiian Islands, shall be extended to all Hamburg vessels, their officers and crews, within the harbors and roads of his dominions. In time of war, they shall receive all possible protection against the enemies of the Republic of Hamburg. In case of shipwreck, the local authorities and officers of the King, shall use their utmost exertions to succour them and secure them from plunder. The salvage dues shall be settled according to the general law of salvage, and in case of dispute, shall be regulated by arbitrators chosen by both parties.

ARTICLE IV. The desertion of seamen belonging to Hamburg vessels shall be severely repressed by the local authorities, who shall employ all means at their disposal to arrest and confine deserters, and the lawful expenses shall be defrayed by the captain or owners. In such cases no unnecessary severity is to be used, and due notice is to be immediately

given to the Hamburg Consul, agreeably to the 6th Article of this treaty.

ARTICLE V. Hamburg citizens shall be allowed to reside or settle on any part of the dominions of the King of the Hawaiian Islands, upon obtaining a document certifying that they are worthy persons, from the Hamburg Consul, whose duty it is not to give any such document to others than *bona fide* citizens of the Republic of Hamburg. In the case of Hamburg sailors wishing to remain on the islands, permission shall be previously obtained of the government by the Hamburg Consul.

ARTICLE VI. It is agreed that the Hamburg Consul shall be instructed to zealously attempt to settle amicably, and extra judicially, all difficulties arising with Hamburg citizens; and that when any case is brought before the court of foreign causes, the presiding judge shall, with the least possible delay, communicate knowledge thereof to the Hamburg Consul, also that when Hamburg sailors or citizens are committed, in consequence of police or other offences, information shall be conveyed to him, forthwith, by the Prefect or other officer of the police.

ARTICLE VII. No productions of the Republic of Hamburg or any other goods on board of or imported in Hamburg ships, that can be imported by other foreign ships, shall be prohibited, nor pay more than those duties levied on goods of the most favored nation. Any alteration in the duties levied on goods, shall not take effect nor be enforced, until twelve calendar months after the first public notification of such change.

ARTICLE VIII. Hamburg merchandise and property, or goods imported in Hamburg vessels, liable to an entrance duty higher than 5 per cent. *ad valorem*, shall be allowed to be bonded, paying only the usual transit duty.

ARTICLE IX. All Hamburg vessels shall have the right and privilege of disposing of their cargoes, or any part thereof, at all or any of the ports of the Hawaiian dominions, now open, or that may hereafter be opened to foreign commerce, and to take in any produce of the Hawaiian Islands which they may receive in payment of such cargoes. But

they shall not be allowed to take any goods or merchandise or freight from one island or port to another, such coasting trade being restricted to bottoms sailing under the Hawaiian flag.

ARTICLE X. The subjects of His Majesty the King of the Hawaiian Islands, shall in their commercial relations, or relations of any other nature, with the Republic and free Hanseatic City of Hamburg and her dependencies, be treated on the footing of the most favored nation.

Done at Honolulu, this 8th day of January, 1848.

R. C. WYLLIE,	E. A. SÜWERKROP,
His Hawaiian Majesty's Minister of Foreign Relations and Member of his Council of State.	Consul and Plenipotentiary for the Republic and free Hanseatic City of Hamburg.
[L. S.]	[L. S.]

ADDITIONAL ARTICLE. This treaty shall not be permanently binding till it receives the ratification of the Senate of the Republic, and free Hanseatic City of Hamburg, but in the meanwhile, for the sake of Hamburg vessels or citizens arriving, it is mutually agreed that it shall take effect, provisionally, from the date of its ratification by His Majesty the King of the Hawaiian Islands.

Done at Honolulu, this 8th day of January, 1848.

R. C. WYLLIE,	E. A. SÜWERKROP,
His Hawaiian Majesty's Minister of Foreign Relations and Member of his Council of State.	Consul and Plenipotentiary for the Republic and free Hanseatic City of Hamburg.
[L. S.]	[L. S.]

AGREEMENT TOUCHING CONSULAR NOTICES, UNDER THE DANISH AND HAMBURG TREATIES.

THE undersigned hereby agree that the notices provided for in the 4th and 6th Articles of the Treaties with Denmark and Hamburg, shall be given as follows:

1. Whenever any person belonging to a Danish or Hamburg vessel shall be arrested or imprisoned, on proof, or notification of being a deserter from such vessel, the marshal or other chief officer of the police, shall notify the same verbally, or if necessary, in writing, to the Consul of Denmark or Hamburg, as the case may be, at the time, or before 12 o'clock of the next day following such arrest or imprisonment.

2. When any cause of importance in which a subject of Denmark or citizen of Hamburg may be plaintiff or defendant, shall come before the Judge of foreign causes in Honolulu, or any other port or town where a Consular Agent of Denmark or Hamburg shall have been recognized, the presiding Judge shall, with the least possible delay, communicate knowledge thereof, in writing, to the resident Consul of Denmark or Hamburg, as the case may be.

3. When a subject of Denmark or citizen of Hamburg, in consequence of police or other offenses, committed within the jurisdiction of the Hawaiian Kingdom, shall have been arrested or imprisoned, the Marshal or other chief officer of the police, shall notify the same verbally, or, if necessary, in writing, to the Consul of Denmark or Hamburg, as the case may be, at the time, or before 12 o'clock of the next day following such arrest or imprisonment.

4. In all police cases of slight importance, where the penalty is merely correctional and acquiesced in, without appeal by the party delinquent, it shall not be necessary to give any notice to the Consul, whether such party be a subject of Denmark or citizen of Hamburg.

5. In all ports and places where there may exist no recognized Consul or Consular Agent of Denmark or Hamburg, the above notices shall be dispensed with, except where the proceedings are appealed against according to law, by any subject of Denmark or citizen of Hamburg, in which cases the local authorities are to report the case to the Minister of Foreign Relations in Honolulu, and it shall be incumbent on him, with

the least possible delay, to notify, in writing, the Consul of Denmark or Hamburg, as the case may be.

6. A copy of these practical rules shall be submitted to the Governments of Hawaii, Denmark and Hamburg for their approval, but they shall take effect *ad interim* in this kingdom after their approval by the King.

Done at Honolulu, this 25th day of January, 1848.

R. C. WYLLIE,
His Hawaiian Majesty's Minister of Foreign Relations and Member of His Council of State.

[L. S.]

E. A. SÜWERKROP,
Royal Danish Consul, Consul and Plenipotentiary for the Republic and free Hanseatic City of Hamburg.

[L. S.]

Approved,
KAMEHAMEHA.

KEONI ANA,
PALACE, January 27, 1848.

TREATY WITH THE UNITED STATES, RATIFIED ON THE 19TH OF AUGUST, 1850.

KAMEHAMEHA III., *King of the Hawaiian Islands, to all to whom these presents shall come*, GREETING:

KNOW YE, that whereas a treaty of friendship, commerce and navigation, between our Kingdom and the United States of North America, was concluded and signed by our and their Plenipotentiaries, in the city of Washington, on the 20th day of December, 1849, which treaty is word for word, as follows:

THE UNITED STATES OF AMERICA and HIS MAJESTY the KING of the HAWAIIAN ISLANDS, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective states, and consolidating the commercial intercourse between them, have agreed to enter into negotiations for the

conclusion of a treaty of friendship, commerce and navigation, for which purpose they have appointed Plenipotentiaries, that is to say:

The President of the United States of America, John M. Clayton, Secretary of State of the United States; and His Majesty the King of the Hawaiian Islands, James Jackson Jarves, accredited as His special commissioner to the Government of the United States; who, after having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE I. There shall be perpetual peace and amity between the United States and the King of the Hawaiian Islands, His heirs and His successors.

ARTICLE II. There shall be reciprocal liberty of commerce and navigation between the United States of America and the Hawaiian Islands. No duty of customs, or other impost, shall be charged upon any goods, the produce or manufacture of one country, upon importation from such country into the other, other or higher than the duty or impost charged upon goods of the same kind, the produce or manufacture of, or imported from, any other country; and the United States of America and His Majesty the King of the Hawaiian Islands do hereby engage, that the subjects or citizens of any other state shall not enjoy any favor, privilege, or immunity whatever, in matters of commerce and navigation, which shall not also, at the same time, be extended to the subjects or citizens of the other contracting parties gratuitously, if the concession in favor of that other state shall have been gratuitous, and in return for a compensation, as nearly as possible, of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

ARTICLE III. All articles the produce and manufacture of either country which can legally be imported into either country from the other, in ships of that other country, and thence coming, shall, when so imported, be subject to the same duties, and enjoy the same privileges, whether imported in ships of the one country, or in ships of the other; and in like manner, all goods which can legally be exported or re-exported from either country to the other, in ships of that other country, shall, when so exported or re-exported, be subject to the same duties,

and be entitled to the same privileges, drawbacks, bounties and allowances, whether exported in ships of the one country or in ships of the other; and all goods and articles, of whatever description, not being of the produce or manufacture of the United States, which can be legally imported into the Sandwich Islands, shall, when so imported in vessels of the United States, pay no other or higher duties, imposts or charges, than shall be payable upon the like goods and articles, when imported in the vessels of the most favored foreign nation other than the nation of which the said goods and articles are the produce or manufacture.

ARTICLE IV. No duties of tonnage, harbor, light-houses, pilotage, quarantine, or other similar duties, of whatever nature, or under whatever denomination, shall be imposed in either country upon the vessels of the other, in respect of voyages between the United States of America and the Hawaiian Islands, if laden, or in respect of any voyage, if in ballast, which shall not be equally imposed in the like cases on national vessels.

ARTICLE V. It is hereby declared, that the stipulations of the present treaty are not to be understood as applying to the navigation and carrying trade between one port and another situated in the states of either contracting party, such navigation and trade being reserved exclusively to national vessels.

ARTICLE VI. Steam vessels of the United States which may be employed by the Government of the said states, in the carrying of their public mails across the Pacific Ocean, or from one port in that ocean to another, shall have free access to the ports of the Sandwich Islands, with the privilege of stopping therein to refit, to refresh, to land passengers and their baggage, and for the transaction of any business pertaining to the public mail service of the United States, and shall be subject in such ports to no duties of tonnage, harbor, light-houses, quarantine, or other similar duties of whatever nature or under whatever denomination.

ARTICLE VII. The whaleships of the United States shall have access to the ports of Hilo, Kealakekua and Hanalei, in the Sandwich Islands, for the purposes of refitment and refreshment, as well as to the ports of Honolulu and Lahaina, which only are ports of entry for all merchant

vessels, and in all the above-named ports, they shall be permitted to trade or barter their supplies or goods, excepting spirituous liquors, to the amount of two hundred dollars *ad valorem* for each vessel, without paying any charge for tonnage or harbor dues of any description, or any duties or imposts whatever upon the goods or articles so traded or bartered. They shall also be permitted, with the like exemption from all charges for tonnage and harbor dues, further to trade or barter, with the same exemption as to spirituous liquors, to the additional amount of one thousand dollars, *ad valorem*, for each vessel, paying upon the additional goods, and articles so traded and bartered, no other or higher duties, than are payable on like goods and articles, when imported in the vessels and by the citizens or subjects of the most favored foreign nation. They shall also be permitted to pass from port to port of the Sandwich Islands for the purpose of procuring refreshments, but they shall not discharge their seamen or land their passengers in the said islands, except at Lahaina and Honolulu, and in all the ports named in this article, the whaleships of the United States shall enjoy in all respects whatsoever, all the rights, privileges and immunities, which are enjoyed by, or shall be granted to, the whaleships of the most favored foreign nation. The like privilege of frequenting the three ports of the Sandwich Islands, above named in this article, not being ports of entry for merchant vessels, is also guaranteed to all the public armed vessels of the United States. But nothing in this article shall be construed as authorizing any vessel of the United States, having on board any disease usually regarded as requiring quarantine, to enter, during the continuance of such disease on board, any port of the Sandwich Islands, other than Lahaina or Honolulu.

ARTICLE VIII. The contracting parties engage, in regard to the personal privileges that the citizens of the United States of America shall enjoy in the dominions of His Majesty the King of the Hawaiian Islands, and the subjects of His said Majesty in the United States of America, that they shall have free and undoubted right to travel and to reside in the states of the two high contracting parties, subject to the same precautions of police which are practised towards the subjects or citizens of the most favored nations. They shall be entitled to occupy dwellings and warehouses, and to dispose of their personal property of every kind and description, by sale, gift, exchange, will, or in any other

way whatever, without the smallest hindrance or obstacle; and their heirs or representatives, being subjects or citizens of the other contracting party, shall succeed to their personal goods, whether by testament or *ab intestato;* and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same at will, paying to the profit of the respective governments such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the heirs and representative, such care shall be taken of the said goods as would be taken of the goods of a native of the same country in like case, until the lawful owner may take measures for receiving them. And if a question should arise among several claimants as to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. Where, on the decease of any person holding real estate within the territories of one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all duties of detraction on the part of the government of the respective states. The citizens or subjects of the contracting parties shall not be obliged to pay, under any pretence whatever, any taxes or impositions, other or greater than those which are paid, or may hereafter be paid, by the subjects or citizens of the most favored nation in the respective states of the high contracting parties. They shall be exempt from all military service, whether by land or by sea; from forced loans, and from every extraordinary contribution not general and by law established. Their dwellings, warehouses, and all premises appertaining thereto, destined for the purposes of commerce or residence, shall be respected. No arbitrary search of, or visit to their houses, and no arbitrary examination or inspection whatever of the books, papers or accounts of their trade, shall be made; but such measures shall be executed only in conformity with the legal sentence of a competent tribunal; and each of the two contracting parties engages that the citizens or subjects of the other residing in their respective states, shall enjoy their property and personal security, in as full and ample manner as their own citizens or subjects, or the subjects or citizens of the most favored nation, but subject always to the laws and statutes of the two countries respectively.

ARTICLE IX. The citizens and subjects of each of the two contracting parties shall be free in the states of the other to manage their own affairs themselves, or to commit those affairs to the management of any persons whom they may appoint as their broker, factor or agent, nor shall the citizens and subjects of the two contracting parties be restrained in their choice of persons to act in such capacities, nor shall they be called upon to pay any salary or remuneration to any person whom they shall not choose to employ. Absolute freedom shall be given in all cases to the buyer and seller to bargain together and to fix the price of any goods or merchandise imported into, or to be exported from the states and dominions of the two contracting parties; save and except generally such cases wherein the laws and usages of the country may require the intervention of any special agents in the states and dominions of the contracting parties. But nothing contained in this or any other article of the present treaty shall be construed to authorize the sale of spirituous liquors to the natives of the Sandwich Islands farther than such sale may be allowed by the Hawaiian laws.

ARTICLE X. Each of the two contracting parties may have, in the ports of the other, consuls, vice-consuls, and commercial agents, of their own appointment, who shall enjoy the same privileges and powers with those of the most favored nation; but if any such consuls shall exercise commerce, they shall be subject to the same laws and usages to which the private individuals of their nation are subject in the same place. The said consuls, vice-consuls, and commercial agents are authorized to require the assistance of the local authorities for the search, arrest, detention and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose, they shall apply to the competent tribunals, judges and officers, and shall in writing demand the said deserters, proving, by the exhibition of registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice-consuls or commercial agents, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessel to which they belonged, or sent back to their own country by a vessel of the same

nation, or any other vessel whatsoever. The agents, owners or masters of vessels on account of whom the deserters have been apprehended, upon requisition of the local authorities shall be required to take or send away such deserters from the states and dominions of the contracting parties, or give such security for their good conduct as the law may require. But if not sent back nor reclaimed within six months from the day of their arrest, or if all the expenses of such imprisonment, are not defrayed by the party causing such arrest and imprisonment, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserters should be found to have committed any crime or offense, their surrender may be delayed until the tribunal before which their case shall be depending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE XI. It is agreed that perfect and entire liberty of conscience shall be enjoyed by the citizens and subjects of both the contracting parties, in the countries of the one and the other, without their being liable to be disturbed or molested on account of their religious belief. But nothing contained in this article shall be construed to interfere with the exclusive right of the Hawaiian Government to regulate for itself the schools which it may establish or support within its jurisdiction.

ARTICLE XII. If any ships of war or other vessels be wrecked on the coasts of the states or territories of either of the contracting parties, such ships or vessels, or any parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise which shall be saved therefrom, or the produce thereof if sold, shall be faithfully restored with the least possible delay to the proprietors, upon being claimed by them, or by their duly authorized factors; and if there are no such proprietors or factors on the spot, then the said goods and merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ships or vessels, shall be delivered to the American or Hawaiian consul, or vice-consul, in whose district the wreck may have taken place; and such consul, vice-consul, proprietors or factors, shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage and expenses of quarantine which would have been payable in the like case of a wreck of a national vessel; and the goods and merchandise saved from the wreck shall not be sub-

ject to duties unless entered for consumption; it being understood that in case of any legal claim upon such wreck, goods or merchandise, the same shall be referred for decision to the competent tribunals of the country.

ARTICLE XIII. The vessels of either of the two contracting parties which may be forced by stress of weather or other cause into one of the ports of the other, shall be exempt from all duties of port or navigation paid for the benefit of the state, if the motives which led to their seeking refuge be real and evident, and if no cargo be discharged or taken on board, save such as may relate to the subsistence of the crew, or be necessary for the repair of the vessels, and if they do not stay in port beyond the time necessary, keeping in view the cause which led to their seeking refuge.

ARTICLE XIV. The contracting parties mutually agree to surrender, upon official requisition, to the authorities of each, all persons who, being charged with the crimes of murder, piracy, arson, robbery, forgery or the utterance of forged paper, committed within the jurisdiction of either, shall be found within the territories of the other: provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the person so charged shall be found, would justify his apprehension and commitment for trial if the crime had there been committed; and the respective judges and other magistrates of the two governments, shall have authority, upon complaint made under oath, to issue a warrant for the apprehension of the person so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ARTICLE XV. So soon as steam or other mail packets under the flag of either of the contracting parties, shall have commenced running between their respective ports of entry, the contracting parties agree to

receive at the post-offices of those ports all mailable matter, and to forward it as directed, the destination being to some regular post-office of either country; charging thereupon the regular postal rates as established by law in the territories of either party receiving said mailable matter, in addition to the original postage of the office whence the mail was sent. Mails for the United States shall be made up at regular intervals at the Hawaiian post-office, and dispatched to ports of the United States, the postmasters at which ports shall open the same, and forward the enclosed matter as directed, crediting the Hawaiian Government with their postages as established by law and stamped upon each manuscript or printed sheet.

All mailable matter destined for the Hawaiian Islands shall be received at the several post-offices in the United States and forwarded to San Francisco or other ports on the Pacific Coast of the United States, whence the postmasters shall dispatch it by the regular mail packets to Honolulu, the Hawaiian Government agreeing on their part to receive and collect for and credit the post-office department of the United States with the United States rates charged thereupon. It shall be optional to prepay postage on letters in either country, but postage on printed sheets and newspapers shall in all cases be prepaid. The respective post-office departments of the contracting parties shall, in their accounts, which are to be adjusted annually, be credited with all dead letters returned.

ARTICLE XVI. The present treaty shall be in force from the date of the exchange of the ratifications for the term of ten years, and further, until the end of twelve months after either of the contracting parties shall have given notice to the other of its intention to terminate the same, each of the said contracting parties reserving to itself the right of giving such notice at the end of the said term of ten years, or at any subsequent term. Any citizen or subject of either party infringing the articles of this treaty shall be held responsible for the same, and the harmony and good correspondence between the two governments shall not be interrupted thereby, each party engaging in no way to protect the offender or sanction such violation.

ARTICLE XVII. The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by His Majesty the King of the

Hawaiian Islands, by and with the advice of His Privy Council of State, and the ratifications shall be exchanged at Honolulu within eighteen months from the date of its signature, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same in triplicate, and have thereto affixed their seals. Done at Washington, in the English language, the twentieth day of December, in the year one thousand eight hundred and forty-nine.

[Seal.] JOHN M. CLAYTON.
[Seal.] JAMES JACKSON JARVES.

AND, WHEREAS, we have carefully examined all the points and articles thereof, by and with the advice of Our Privy Council of State, We have confirmed and ratified the foregoing treaty, and We do confirm and ratify the same, in the most effectual manner, promising on Our faith and word as King, for Us and Our successors, to fulfil and observe it, faithfully and scrupulously in all its clauses.

In faith of which We have signed this ratification with our own hand, and have affixed thereto the great seal of Our Kingdom.

Given at Our Palace at Honolulu, this nineteenth day of August, in the year of our Lord, one thousand eight hundred and fifty, and in the twenty-fifth of Our reign.

[Seal.] KAMEHAMEHA.

KEONI ANA.

By the King and the Premier.

R. C. WYLLIE,
Minister of Foreign Relations.

EXCHANGE OF RATIFICATIONS.—We, the undersigned, ROBERT CRICHTON WYLLIE, Minister of Foreign Relations of His Majesty the King of the Hawaiian Islands, and CHARLES BUNKER, Consul of the United States, for Lahaina, having been authorized by our respective Governments to exchange the ratifications of the Treaty of Friendship, Commerce and Navigation between His Hawaiian Majesty and the United States, concluded and signed at Washington, on the twentieth day of December, one thousand eight hundred and forty-nine, certify :

That we have, this day, met for that purpose, and after comparing the said ratifications each with the other, and both with the Original of said Treaty, have effected the exchange accordingly.

In witness whereof, we have signed this certificate, at Honolulu, this twenty-fourth day of August, one thousand, eight hundred and fifty and have thereunto affixed our respective seals.

[L. S.] R. C. WYLLIE.
[L. S.] CHARLES BUNKER.

TREATY WITH GREAT BRITAIN, RATIFIED ON THE 6TH OF MAY, 1852.

KAMEHAMEHA III., *King of the Hawaiian Islands, to all to whom these presents shall come,* GREETING:

WHEREAS, a treaty of friendship, commerce and navigation, between Us and Her most Gracious Majesty the Queen of Great Britain and Ireland, Defender of the Faith, &c., &c., &c., was concluded and signed at Honolulu, on the tenth day of July, in the year of our Lord, one thousand eight hundred and fifty-one, by the Plenipotentiaries of Us and of the said Queen of Great Britain, duly and respectively authorized for that purpose, which treaty is word for word, as follows:

HER MAJESTY THE QUEEN of the United Kingdom of Great Britain and Ireland, and HIS MAJESTY THE KING of the Hawaiian Islands, being desirous to maintain and improve the relations of good understanding which happily subsist between them, and to promote the commercial intercourse between their respective subjects, have deemed it expedient to conclude a Treaty of Friendship, Commerce and Navigation, and have for that purpose named as their respective Plenipotentiaries, that is to say:

Her Majesty the Queen of Great Britain and Ireland, William Miller, Esquire, Her Consul General for the Islands in the Pacific Ocean:

And His Majesty the King of the Hawaiian Islands, Robert Crichton Wyllie, Esquire, His Minister of Foreign Relations, Member of his Privy Council of State and of His House of Nobles:

Who, after having communicated to each other their full powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I. There shall be perpetual friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Her Heirs and Successors, and the King of the Hawaiian Islands, His Heirs and Successors, and between their respective subjects.

ARTICLE II. There shall be between all the dominions of Her Britannic Majesty, and the Hawaiian Islands, a reciprocal freedom of commerce. The subjects of each of the two contracting parties respectively, shall have liberty freely and securely to come with their ships and cargoes, to all places, ports and rivers in the territories of the other, where trade with other nations is permitted. They may remain and reside in any part of the said territories respectively, and hire and occupy houses and warehouses; and may trade, by wholesale or retail, in all kinds of produce, manufactures, and merchandise of lawful commerce; enjoying the same exemptions and privileges as native subjects, and subject always to the same laws and established customs as native subjects.

In like manner, the ships of war of each contracting party respectively, shall have liberty to enter into all harbors, rivers, and places, within the territories of the other, to which the ships of war of other nations are or may be permitted to come, to anchor there, and to remain, and refit; subject always to the laws and regulations of the two countries respectively.

The stipulations of this article do not apply to the coasting trade, which each contracting party reserves to itself, respectively, and shall regulate according to its own laws.

ARTICLE III. The two contracting parties hereby agree that any favor, privilege, or immunity whatever, in matters of commerce or navigation, which either contracting party has actually granted, or may hereafter grant, to the subjects or citizens of any other State, shall be extended to the subjects or citizens of the other contracting party, gratuitously if the concession in favor of that other State shall have been gratuitous, or in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

ARTICLE IV. No other or higher duties shall be imposed on the importation into the dominions of Her Britannic Majesty, of any article

the growth, produce or manufacture of the Hawaiian Islands, and no other or higher duties shall be imposed on the importation into the Hawaiian Islands, of any article the growth, produce or manufacture of Her Britannic Majesty's dominions, than are or shall be payable on the like article, being the growth, produce or manufacture of any other foreign country.

Nor shall any other or higher duties or charges be imposed, in the territories of either of the contracting parties on the exportation of any article to the territories of the other, than such as are or may be payable, on the exportation of the like article, to any other foreign country. No prohibition shall be imposed upon the importation of any article, the growth, produce or manufacture of the territories of either of the two contracting parties, into the territories of the other, which shall not equally extend to the importation of the like articles, being the growth, produce or manufacture of any other country. Nor shall any prohibition be imposed upon the exportation of any article from the territories of either of the two contracting parties to the territories of the other, which shall not equally extend to the exportation of the like article to the territories of all other nations.

ARTICLE V. No other or higher duties or charges on account of tonnage, light, or harbor dues, pilotage, quarantine, salvage in case of damage or shipwreck, or any other local charges, shall be imposed, in any of the ports of the Hawaiian Islands on British vessels, than those payable in the same ports by Hawaiian vessels, nor in the ports of Her Britannic Majesty's territories, on Hawaiian vessels, than shall be payable in the same ports on British vessels.

ARTICLE VI. The same duties shall be paid on the importation of any article which is or may be legally importable into the Hawaiian Islands, whether such importation shall be in Hawaiian or in British vessels: and the same duties shall be paid on the importation of any article which is or may be legally importable into the dominions of Her Britannic Majesty, whether such importation shall be in British or Hawaiian vessels. The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any article which is or may be legally exportable from the Hawaiian Islands whether such exportation shall be in Hawaiian or in British vessels; and the same duties

shall be paid, and the same bounties and drawbacks allowed, on the exportation of any article which is or may be legally exportable from Her Britannic Majesty's dominions, whether such shall be in British or in Hawaiian vessels.

ARTICLE VII. British whale-ships shall have access to the ports of Hilo, Kealakekua and Hanalei, in the Sandwich Islands, for the purpose of refitment and refreshment, as well as to the ports of Honolulu and Lahaina, which two last-mentioned ports only are ports of entry for all merchant vessels, and in all the above-named ports, they shall be permitted to trade or to barter their supplies or goods, excepting spirituous liquors, to the amount of two hundred dollars *ad valorem* for each vessel, without paying any charge for tonnage or for harbor dues of any description, or any duties or imposts whatever upon the goods or articles so traded or bartered. They shall also be permitted, with the like exemption from all charges for tonnage and harbor dues, further to trade or barter, with the same exception as to spirituous liquors, to the additional amount of one thousand dollars, *ad valorem*, for each vessel, paying on the additional goods and articles so traded and bartered, no other or higher duties, than are payable on like goods and articles, when imported in national vessels, and by native subjects. They shall also be permitted to pass from port to port of the Sandwich Islands for the purpose of procuring refreshments, but they shall not discharge their seamen or land their passengers in the said islands, except at Honolulu and Lahaina, and in all the ports named in this article, British whale-ships shall enjoy, in all respects whatsoever, all the rights, privileges and immunities, which are or may be enjoyed by national whale-ships of the most favored nation. The like privilege of frequenting the three ports of the Sandwich Islands, named in this article, which are not ports of entry for merchant vessels, is also guaranteed to all the public armed vessels of Great Britain. But nothing in this article shall be construed as authorizing any British vessel having on board any disease usually regarded as requiring quarantine, to enter, during the continuance of any such disease on board, any port of the Sandwich Islands, other than Honolulu or Lahaina.

ARTICLE VIII. All merchants, commanders of ships, and others, the subjects of Her Britannic Majesty, shall have [illegible]
ian Islands, to manage their own affairs the[illegible]

to the management of whomsoever they please, as broker, factor, agent or interpreter; nor shall they be obliged to employ any other persons than those employed by Hawaiian subjects, nor to pay to such persons as they shall think fit to employ, any higher salary or remuneration than such as is paid, in like cases, by Hawaiian subjects. British subjects in the Hawaiian Islands shall be at liberty to buy from and to sell to whom they like, without being restrained or prejudiced by any monopoly, contract, or exclusive privilege of sale or purchase whatever; and absolute freedom shall be allowed in all cases to the buyer and seller, to bargain and fix the price of any goods, wares or merchandise, imported into, or exported from the Hawaiian Islands, as they shall see good; observing the laws and established customs of those islands. The same privileges shall be enjoyed in the dominions of Her Britannic Majesty, by Hawaiian subjects, under the same conditions.

The subjects of either of the contracting parties, in the territories of the other, shall receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in the said countries, respectively, for the prosecution and defense of their just rights; and they shall be at liberty to employ, in all causes, the advocates, attorneys or agents of whatever description, whom they may think proper; and they shall enjoy in this respect the same rights and privileges as native subjects.

ARTICLE IX. In whatever relates to the police of the ports, the lading and unlading of ships, the warehousing and safety of merchandise, goods and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination by sale, donation, exchange or testament, or in any other manner whatsoever, as also with regard to the administration of justice, the subjects of each contracting party shall enjoy, in the territories of the other, the same privileges, liberties, and rights, as native subjects; and they shall not be charged, in any of these respects, with any other or higher imposts or duties, than those which are or may be paid by native subjects: subject always to the local laws and regulations of such territories.

In the event of any subject of either of the two contracting parties dying without will or testament, in the territories of the other contracting [illegible] consul, or acting consul of the nation to which [illegible] shall, so far as the laws of each country will

permit, take charge of the property which the deceased may have left, for the benefit of his lawful heirs and creditors, until an executor or administrator be named according to the laws of the country in which the death shall have taken place.

ARTICLE X. The subjects of Her Britannic Majesty residing in the Hawaiian Islands, and Hawaiian subjects residing in the dominions of Her Britannic Majesty, shall be exempted from all compulsory military service whatsoever, whether by sea or land, and from all forced loans or military exactions or requisitions; and they shall not be compelled, under any pretext whatsoever, to pay any ordinary charges, requisitions, or taxes, other or higher than those that are, or may be, paid by native subjects.

ARTICLE XI. It is agreed and covenanted that neither of the two contracting parties shall knowingly receive into, or retain in, its service, any subject, of the other party, who have deserted from the naval or military service of that other party; but that, on the contrary, each of the contracting parties shall respectively discharge from its service any such deserters, upon being required by the other party so to do.

And it is further agreed, that if any of the crew shall desert from a vessel of war or merchant vessel of either contracting party, while such vessel is within any port in the territory of the other party, the authorities of such port and territory shall be bound to give every assistance in their power for the apprehension of such deserters, on application to that effect being made by the Consul of the party concerned, or by the deputy or representative of the Consul; and no public body shall protect or harbor such deserters.

It is further agreed and declared, that any other favor or facility with respect to the recovery of deserters, which either of the contracting parties has granted or may hereafter grant, to any other State, shall be considered as granted also to the other contracting party, in the same manner as if such favor or facility had been expressly stipulated by the present treaty.

ARTICLE XII. It shall be free for each of the two contracting parties to appoint consuls for the protection of trade, to reside in the territories of the other party; but before any consul shall act as such, he shall, in the

usual form, be approved and admitted by the Government to which he is sent; and either of the contracting parties may except from the residence of consuls such particular places as either of them may judge fit to be excepted. The diplomatic agents and consuls of the Hawaiian Islands, in the dominions of her Britannic Majesty, shall enjoy whatever privileges, exemptions and immunities are, or shall be granted there to agents of the same rank belonging to the most favored nation; and, in like manner, the diplomatic agents and consuls of Her Britannic Majesty in the Hawaiian Islands shall enjoy whatever privileges, exemptions, and immunities are or may be granted there to the diplomatic agents and consuls of the same rank belonging to the most favored nation.

ARTICLE XIII. For the better security of commerce between the subjects of Her Britannic Majesty and of the King of the Hawaiian Islands, it is agreed that if, at any time, any rupture, or any interruption of friendly intercourse should unfortunately take place between the two contracting parties, the subjects of either of the two contracting parties shall be allowed a year to wind up their accounts, and dispose of their property; and a safe conduct shall be given them to embark at the port which they shall themselves select. All subjects of either of the two contracting parties who may be established in the territories of the other, in the exercise of any trade or special employment, shall in such case have the privilege of remaining and continuing such trade and employment therein, without any manner of interruption in full enjoyment of their liberty and property as long as they behave peaceably, and commit no offense against the laws; and their goods and effects, of whatever description they may be, whether in their own custody, or entrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other charges or demands than those which may be made upon the like effects or property belonging to native subjects. In the same case, debts between individuals, public funds, and the shares of companies shall never be confiscated, sequestered or detained.

ARTICLE XIV. The subjects of Her Britannic Majesty, residing in the Hawaiian Islands, shall not be disturbed, persecuted or annoyed on account of their religion, but they shall have perfect liberty of conscience therein, and shall be allowed to celebrate Divine service, either within their own private houses, or in their own particular churches or chapels,

which they shall be at liberty to build and maintain in convenient places, approved of by the Government of the said Islands. Liberty shall also be granted to them to bury in burial places which, in the same manner, they may freely establish and maintain, such subjects of Her Britannic Majesty, who may die in the said Islands. In the like manner, Hawaiian subjects shall enjoy, within the dominions of Her Britannic Majesty, perfect and unrestrained liberty of conscience, and shall be allowed to exercise their religion publicly or privately, within their own dwelling houses, or in the chapels, and places of worship appointed for that purpose agreeably to the system of toleration established in the dominions of Her said Majesty.

ARTICLE XV. In case there should at any time be established British mail packets, touching at a port of the Sandwich Islands, a British packet agent shall be permitted to reside at such port, and to collect, on account of the British post-office, the British sea-rate of postage which may be hereafter fixed for the conveyance of letters by British packets from the Sandwich Islands to any other place to which those packets may proceed.

Such British mail packets shall have free access to the ports of the Sandwich Islands, and shall be allowed to remain to refit, to refresh, to land passengers and their baggage, and to transact any business connected with the public mail service of Great Britain. They shall not be subject in such ports to any duties of tonnage, harbor, light-houses, quarantine, or other similar duties, of whatever nature or under whatever denomination.

ARTICLE XVI. If any ship of war or merchant vessel, of either of the contracting parties, should be wrecked on the coasts of the other, such ship or vessel, or any parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise which shall be saved therefrom, or the produce thereof if sold, shall be faithfully restored to the proprietors, upon being claimed by them, or by their duly authorized agents; and if there are no such proprietors or agents on the spot, then the said goods and merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ship or vessel, shall be delivered to the British or Hawaiian consul, in whose district the wreck may have taken place; and such consul, proprietors or agents

shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage which would have been payable in the like case of a wreck of a national vessel. The goods and merchandise saved from the wreck shall not be subject to duties unless cleared for consumption.

ARTICLE XVII. In order that the two contracting parties may have the opportunity of hereafter treating and agreeing upon such other arrangements as may tend still further to the improvement of their mutual intercourse, and to the advancement of the interest of their respective subjects, it is agreed that at any time after the expiration of seven years from the date of the exchange of the ratifications of the present treaty, either of the contracting parties shall have the right of giving to the other party notice of its intention to terminate articles 4, 5 and 6, of the present treaty; and that at the expiration of twelve months after such notice shall have been received by either party from the other, the said articles, and all the stipulations contained therein, shall cease to be binding on the two contracting parties.

ARTICLE XVIII. The present treaty shall be ratified, and the ratifications shall be exchanged at Honolulu in ten months, or sooner, if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and affixed thereto their respective seals.

Done at Honolulu, this tenth day of July, in the year of Our Lord, one thousand eight hundred and fifty-one.

[L. S.] ROBERT CRICHTON WYLLIE.
[L. S.] WILLIAM MILLER.

AND, WHEREAS, we have fully examined all the points and articles thereof, by and with the advice of Our Privy Council of State, We have confirmed and ratified the foregoing treaty, and We do confirm and ratify the same, in the most effectual manner, promising on Our faith and word as King, for Us and Our successors, to fulfil and observe it faithfully and scrupulously in all its clauses.

In faith of which We have signed this ratification with our own hand, and have affixed thereto the great seal of Our Kingdom.

Given at Our Palace at Honolulu, the 6th day of May, in the year of Our Lord, one thousand eight hundred and fifty-two, and in the twenty-seventh of Our reign.

[L. S.] KAMEHAMEHA.

KEONI ANA.

EXCHANGE OF RATIFICATIONS.—The undersigned, having met together for the purpose of exchanging the ratifications of a Treaty of Friendship, Commerce and Navigation between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Hawaiian Islands, concluded and signed at Honolulu on the tenth day of July, 1851; and the respective ratifications of the said instrument having been carefully compared, and found to be exactly conformable to each other, the said exchange took place this day in the usual form.

In witness whereof, they have signed the present certificate of exchange, and have affixed thereto their respective seals.

Done at Honolulu the sixth day of May, 1852.

[L. S.] ROBERT CRICHTON WYLLIE.
[L. S.] WILLIAM MILLER.

TREATY WITH BREMEN, RATIFIED ON THE 27TH MARCH, 1854.

KAMEHAMEHA III., *King of the Hawaiian Islands, to all to whom these presents shall come*, GREETING:

WHEREAS, a Treaty of Friendship, Commerce and Navigation between Us and the Free Hanseatic City of Bremen, was concluded and signed at Honolulu, on the seventh day of August, one thousand eight hundred and fifty-one, by the Plenipotentiary of Us, and the specially authorized Consul of the said Free Hanseatic City of Bremen, which Treaty is word for word, as follows:

It being desirable that a general convention and instrument of mutual agreement should exist between the Hawaiian Kingdom and the Free

Hanseatic City of Bremen, the following articles have, for that purpose, and to that intent, been mutually agreed upon and signed between the Government of the Hawaiian Islands and that of Bremen.

ARTICLE I. There shall be perpetual peace and amity between His Majesty the King of the Hawaiian Islands, his Heirs and Successors, and the Free Hanseatic City of Bremen, and those who may succeed in the Government thereof.

ARTICLE II. The citizens of Bremen residing within the dominions of the King of the Hawaiian Islands, shall enjoy the same protection in regard to their civil rights, as well as to their persons and properties, as native subjects; and the King of the Hawaiian Islands engages to grant to the citizens of Bremen, the same rights and privileges which now are, or may hereafter be granted to, or enjoyed by any other foreigners, subjects of the most favored nation.

In the event of any subject of either of the two contracting parties, dying without will or testament, in the territories of the other contracting party, the consul-general, consul, or acting consul of the state to which the deceased may belong, shall, so far as the laws of each country will permit, take charge of the property which the deceased may have left, for the benefit of his lawful heirs and creditors, until an executor or administrator be named, according to the laws of the country in which the death shall have taken place.

ARTICLE III. The protection of the King of the Hawaiian Islands shall be extended to all Bremen vessels, their officers and crews, within the harbors and roads of His dominions. In time of war they shall receive all possible protection against the enemies of Bremen. In case of shipwreck, the local authorities and officers of the King, shall use their utmost exertions to succour them and secure them from plunder. The salvage dues shall be settled according to the general law of salvage and, in case of dispute, shall be regulated by arbitrators chosen by both parties.

ARTICLE IV. The desertion of seamen belonging to Bremen vessels shall be severely repressed by the local [illegible] shall employ all means at their disposal, to arrest all [illegible] lawful

expenses shall be defrayed by the captain or owners. In such cases no unnecessary severity is to be used, and due notice is to be immediately given to the Bremen consul, agreeably to the VIth article of this treaty.

ARTICLE V. Bremen citizens shall be allowed to reside or settle on any part of the dominions of the King of the Hawaiian Islands, upon obtaining a document certifying that they are worthy persons, from the Bremen Consul, whose duty it is, not to give any such documents to others than *bona fide* citizens of Bremen. In the case of Bremen sailors wishing to remain on the Islands, permission shall be previously obtained of the Government by the Bremen Consul.

ARTICLE VI. It is agreed that the Bremen Consul shall be instructed to zealously attempt to settle amicably, and extra-judicially, all difficulties arising with Bremen citizens; and that when any case is brought before the Court, of foreign causes, the presiding judge shall with the least possible delay, communicate knowledge thereof to the Bremen Consul, also that when Bremen sailors or citizens, are committed, in consequence of police or other offenses, information shall be conveyed to him forthwith, by the Prefect or other officer of the police.

ARTICLE VII. No productions of Bremen, or any other goods on board of, or imported in Bremen ships that can be imported by other foreign ships, shall be prohibited, nor pay more than those duties levied on goods of the most favored nation. Any augmentation in the rate of duties levied on goods, shall not take effect nor be enforced, until eight calender months after the first public notification of such change.

ARTICLE VIII. Bremen merchandise and property, or goods imported in Bremen vessels, liable to an entrance duty higher than 5 per cent, *ad valorem*, shall be allowed to be bonded, paying only the usual transit duty.

ARTICLE IX. All Bremen vessels shall have the right, and privilege, of disposing of their cargoes, or any part thereof, at all, or any of the ports of the Hawaiian dominions, now open, or that may hereafter be opened to foreign commerce, and to take in any produce of the Hawaiian Islands, which they may receive in payment of such cargoes.

But they shall not be allowed to take any goods or merchandise or freight from one island or port to another, such coasting trade being restricted to bottoms sailing under the Hawaiian flag.

ARTICLE X. The subjects of His Majesty the King of the Hawaiian Islands, shall in their commercial relations, or relations of any other nature, with the Free Hanseatic city of Bremen and her dependencies be treated on the footing of the most favored nation.

Done at Honolulu this seventh day of August, 1851.

[L. S.] R. C. WYLLIE,
Minister of Foreign Relations.

[L. S.] STEPHEN REYNOLDS,
Under special authority
from the Senate of Bremen.

ADDITIONAL ARTICLE.—This treaty shall not be permanently binding till it receive the ratification of His Majesty the King of the Hawaiian Islands, and of the Senate of the Free Hanseatic City of Bremen, but in the meanwhile, for the sake of Bremen vessels, or citizens arriving, it is mutually agreed that it shall take effect provisionally from this date.

Done at Honolulu this seventh day of August, 1851.

[L. S.] STEPHEN REYNOLDS,
Under special authority
from the Senate of Bremen.

[L. S.] R. C. WYLLIE,
Minister of Foreign Relations.

AND, WHEREAS, we have fully examined all the points and articles thereof, by and with the advice of Our Privy Council of State, We have confirmed and ratified the foregoing treaty, and We do confirm and ratify the same, in the most effectual manner, promising on Our faith and word as King, for Us and Our successors, to fulfil and observe it faithfully and scrupulously in all its clauses.

In faith of which We have signed this ratification with our own hand, and have affixed thereto the great seal of Our Kingdom.

[L. S.] Given at Our Palace, at Honolulu, this twenty-seventh day of March, in the year of Our Lord, one thousand eight hundred and fifty-four, and in the twenty-ninth year of Our reign.

KAMEHAMEHA.

KEONI ANA.

Countersigned by the King and Kuhina Nui.

R. C. WYLLIE,
Minister of Foreign Relations.

TREATY WITH SWEDEN AND NORWAY, RATIFIED ON THE 5TH OF APRIL, 1855.

WE, KAMEHAMEHA IV., *by the Grace of God, King of the Hawaiian Islands, make known:*

THAT His late Majesty King Kamehameha III., having authorized a Treaty of Friendship, Commerce and Navigation, with an additional article thereto annexed, between the Hawaiian Kingdom, and the Kingdoms of Sweden and Norway, which was concluded, signed and sealed on the first of July, 1852, by our respective Plenipotentiaries, viz.: On His behalf, Robert Crichton Wyllie, Esquire, His Minister of Foreign Relations, His Secretary at War and of the Navy, Member of His Privy Council of State, Member of the House of Nobles and Chairman of the Commissioners of His Privy Purse; and on behalf of His Majesty Oscar, King of Sweden and Norway, of the Goths and Vandals, Monsieur Christian Adolphe Virgin, His Majesty's Chamberlain, Post Captain in His Majesty's Navy, Knight of the Order of the Sword, and of the Order of St. Stanislaus of Russia, of the second class, which Treaty, and its additional article, are word for word, as follows:

It being of great advantage to establish relations of friendship and commerce between the Kingdoms of His Majesty the King of Sweden and Norway, and the Kingdom of His Majesty the King of the Hawaiian Islands, the undersigned, having exchanged their powers, mutually admitted as sufficient, have agreed, on the part of their respective Sovereigns, to conclude a Treaty of Friendship, Commerce and Navigation, as follows:

ARTICLE I. There shall be perpetual friendship between His Majesty the King of the United Kingdoms of Sweden and Norway, His Heirs and Successors, and the King of the Hawaiian Islands, His Heirs and Successors, and between their respective subjects.

ARTICLE II. There shall be between all the dominions of His Swedish and Norwegian Majesty, and the Hawaiian Islands, a reciprocal freedom of commerce. The subjects of each of the two contracting parties, respectively, shall have liberty freely and securely to come with their ships and cargoes, to all places, ports and rivers, in the territories of the other, where trade with other nations is permitted. They may remain and reside in any part of the said territories, respectively, and hire and occupy houses and warehouses, and may trade, by wholesale or retail, in all kinds of produce, manufactures or merchandise of lawful commerce, enjoying the same exemptions and privileges as native subjects, and subject always to the same laws, and established customs, as native subjects.

In like manner, the ships of war of each contracting party respectively, shall have liberty to enter into all harbors, rivers, and places within the territories of the other, to which the ships of war of other nations are or may be permitted to come, to anchor there, and to remain and refit, subject always to the laws and regulations of the two countries respectively.

The stipulations of this article do not apply to the coasting trade, which each contracting party reserves to itself respectively, and shall regulate according to its own laws.

ARTICLE III. The two contracting parties hereby agree, that any favor, privilege, or immunity whatever, in matters of commerce or navigation, which either contracting party has actually granted, or may here-

after grant, to the subjects or citizens of any other state, shall be extended to the subjects or citizens of the other contracting party, gratuitously. if the concession in favor of that other state shall have been gratuitous, or in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

ARTICLE IV. No other or higher duties shall be imposed on the importation into the dominions of His Swedish and Norwegian Majesty, of any article the growth, produce, or manufacture of the Hawaiian Islands, and no other or higher duties shall be imposed on the importation into the Hawaiian Islands, of any article the growth, produce or manufacture of His Swedish and Norwegian Majesty's dominions, than are or shall be payable on the like article, being the growth, produce or manufacture of any other foreign country.

Nor shall any other or higher duties or charges be imposed, in the territories of either of the contracting parties on the exportation of any article to the territories of the other, than such as are or may be payable, on the exportation of the like article, to any other foreign country. No prohibition shall be imposed upon the importation of any article, the growth, produce or manufacture of the territories of either of the two contracting parties, into the territories of the other, which shall not equally extend to the importation of the like articles, being the growth, produce or manufacture of any other country. Nor shall any prohibition be imposed on the exportation of any article from the territories of either of the two contracting parties to the territories of the other, which shall not equally extend to the exportation of the like articles to the territories of all other nations.

ARTICLE V. No other or higher duties or charges on account of tonnage, light, or harbor dues, pilotage, quarantine, salvage in case of damage or shipwreck, or any other local charges, shall be imposed, in any of the ports of the Hawaiian Islands on Swedish and Norwegian vessels, than those payable in the same ports by Hawaiian vessels, nor in the ports of His Swedish and Norwegian Majesty's territories, on Hawaiian vessels, than shall be payable in the same ports on Swedish and Norwegian vessels.

ARTICLE VI. The same duties shall be paid on the importation of

any article which is or may be legally importable into the Hawaiian Islands, whether such importation shall be in Hawaiian or in Swedish and Norwegian vessels; and the same duties shall be paid on the importation of any article which is or may be legally importable into the dominions of His Swedish and Norwegian Majesty, whether such importation shall be in Swedish and Norwegian, or Hawaiian vessels. The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any article which is or may be exportable from the Hawaiian Islands whether such exportation shall be in Hawaiian or in Swedish and Norwegian vessels; and the same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any article which is or may be legally exportable from His Swedish and Norwegian Majesty's dominions, whether such exportation shall be in Swedish and Norwegian or in Hawaiian vessels.

ARTICLE VII. Swedish and Norwegian whale-ships shall have access to the ports of Hilo, Kealakekua and Hanalei, in the Sandwich Islands, for the purpose of refitment and refreshment, as well as to the ports of Honolulu and Lahaina, which two last-mentioned ports only are ports of entry for all merchant vessels, and in all the above-named ports, they shall be permitted to trade or barter their supplies or goods, excepting spirituous liquors, to the amount of two hundred dollars *ad valorem* for each vessel, without paying any charge for tonnage or for harbor dues of any description, or any duties or imposts whatever upon the goods or articles so traded or bartered. They shall also be permitted, with the like exemption from all charges for tonnage and harbor dues, further to trade or barter, with the same exception as to spirituous liquors, to the additional amount of one thousand dollars, *ad valorem*, for each vessel, paying upon the additional goods and articles so traded and bartered, no other or higher duties, than are payable on like goods and articles, when imported in national vessels, and by native subjects. They shall also be permitted to pass from port to port of the Sandwich Islands for the purpose of procuring refreshments, but they shall not discharge their seamen or land their passengers in the said islands, except at Honolulu and Lahaina, and in all the ports named in this article, Swedish and Norwegian whale-ships shall enjoy, in all respects whatsoever, all the rights, privileges and immunities, which are or may be enjoyed by national whale-ships, or by whale-ships of the most favored nation.

The like privilege of frequenting the three ports of the Sandwich Islands, named in this article, which are not ports of entry for merchant vessels, is also granted to all the public armed vessels of Sweden and Norway. But nothing in this article shall be construed as authorizing any Swedish or Norwegian vessel having on board any disease usually regarded as requiring quarantine, to enter, during the continuance of any such disease on board, any ports of the Sandwich Islands, other than Honolulu or Lahaina.

ARTICLE VIII. All merchants, commanders of ships, and others, the subjects of His Swedish and Norwegian Majesty, shall have full liberty, in the Hawaiian Islands, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as broker, factor, agent or interpreter; nor shall they be obliged to employ any other persons than those employed by Hawaiian subjects, nor to pay to such persons as they shall think fit to employ, any higher salary or remuneration than such as is paid, in like cases, by Hawaiian subjects. Swedish and Norwegian subjects in the Hawaiian Islands shall be at liberty to buy from and to sell to whom they like, without being restrained or prejudiced by any monopoly, contract, or exclusive privilege of sale or purchase whatever; and absolute freedom shall be allowed in all cases to the buyer and seller, to bargain and fix for the price of any goods, wares or merchandise, imported into, or exported from the Hawaiian Islands, as they shall see good; observing the laws and established customs of those islands. The same privileges shall be enjoyed in the dominions of His Swedish and Norwegian Majesty, by Hawaiian subjects, under the same conditions.

The subjects of either of the contracting parties, in the territories of the other, shall receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in the said countries, respectively, for the prosecution and defense of their just rights; and they shall be at liberty to employ, in all cases, the advocates, attorneys or agents of whatsoever description, whom they may think proper; and they shall enjoy in this respect the same rights and privileges as native subjects.

ARTICLE IX. In whatever relates to the police of the ports, the lading and unlading of ships, the warehousing and safety of merchandise,

goods and effects, the succession to personal estates by will or otherwise, and the disposal of personal properties of every sort and denomination by sale, donation, exchange or testament, or in any other manner whatsoever, as also with regard to the administration of justice, the subjects of each contracting party shall enjoy, in the territories of the other, the same privileges, liberties, and rights, as native subjects; and they shall not be charged, in any of these respects, with any other or higher imposts or duties, than those which are or may be paid by native subjects: subject always to the local laws and regulations of such territories.

In the event of any subject of either of the two contracting parties dying without will or testament, in the territories of the other contracting party, the consul-general, consul, or acting consul of the nation to which the deceased may belong, shall, so far as the laws of each country will permit, take charge of the property which the deceased may have left, for the benefit of his lawful heirs and creditors, until an executor or administrator be named according to the laws of the country in which the death shall have taken place.

ARTICLE X. The subjects of His Swedish and Norwegian Majesty residing in the Hawaiian Islands, and Hawaiian subjects residing in the dominions of His Swedish and Norwegian Majesty, shall be exempted from all compulsory military service whatever, whether by sea or by land, and from all forced loans or military exactions or requisitions; and they shall not be compelled, under any pretext whatsoever, to pay any ordinary charges, requisitions or taxes, other or higher than those that are or may be paid by native subjects.

ARTICLE XI. It is agreed and covenanted that neither of the two contracting parties shall knowingly receive into, or retain in, its service, any subjects, of the other party, who have deserted from the naval or military service of that other party; but that, on the contrary, each of the contracting parties shall respectively discharge from its service any such deserters, upon being required by the other party so to do.

And it is further agreed, that if any of the crew shall desert from a vessel of war or merchant vessel of either contracting party, while such vessel is within any port in the territory of the other party, the authorities of such port and territory shall be bound to give every assistance in their power for the apprehension of such deserters, on application to that

effect being made by the Consul of the party concerned, or by the deputy or representative of the Consul; and no public body shall protect or harbor such deserters.

It is further agreed and declared, that any other favor or facility with respect to the recovery of deserters, which either of the contracting parties has granted or may hereafter grant, to any other State, shall be considered as granted also to the other contracting party, in the same manner as if such favor or facility had been expressly stipulated by the present treaty.

ARTICLE XII. It shall be free for each of the two contracting parties to appoint consuls for the protection of trade, to reside in the territories of the other party; but before any consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the contracting parties may except from the residence of consuls such particular places as either of them may judge fit to be excepted. The diplomatic agents and consuls of the Hawaiian Islands, in the dominions of His Swedish and Norwegian Majesty, shall enjoy whatever privileges, exemptions and immunities are, or shall be granted there to agents of the same rank belonging to the most favored nation; and, in like manner, the diplomatic agents and consuls of His Swedish and Norwegian Majesty in the Hawaiian Islands shall enjoy whatever privileges, exemptions or immunities are or may be granted there to the diplomatic agents and consuls of the same rank belonging to the most favored nation.

ARTICLE XIII. For the better security of commerce between the subjects of His Swedish and Norwegian Majesty and of the King of the Hawaiian Islands, it is agreed that if, at any time, any rupture, or interruption of friendly intercourse should unfortunately take place between the two contracting parties, the subjects of either of the two contracting parties shall be allowed a year to wind up their accounts, and dispose of their property; and a safe conduct shall be given them to embark at the port which they shall themselves select. All subjects of either of the two contracting parties who may be established in the territories of the other, in the exercise of any trade or special employment, shall in such case have the privilege of remaining and continuing such trade and employment therein, without any manner of interruption in full enjoyment of

their liberty and property as long as they behave peaceably, and commit no offense against the laws; and their goods and effects, of whatever description they may be, whether in their own custody, or entrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other charges or demands than those which may be made upon the like effects or property belonging to native subjects. In the same case, debts between individuals, public funds, and the shares of companies shall never be confiscated, sequestered or detained.

ARTICLE XIV. The subjects of His Swedish and Norwegian Majesty, residing in the Hawaiian Islands, shall not be disturbed, persecuted or annoyed on account of their religion, but they shall have perfect liberty of conscience therein, and shall be allowed to celebrate Divine service, either within their own private houses, or in their own particular churches or chapels, which they shall be at liberty to build and maintain in convenient places, approved of by the Government of the said Islands. Liberty shall also be granted to them to bury in burial places which, in the same manner, they may freely establish and maintain, such subjects of His Swedish and Norwegian Majesty, who may die in the said Islands. In like manner, Hawaiian subjects shall enjoy, within the dominions of His Swedish and Norwegian Majesty, perfect and unrestrained liberty of conscience, and shall be allowed to exercise their religion publicly or privately, within their own dwelling houses, or in the chapels, and places of worship appointed for that purpose agreeably to the system of toleration established in the dominions of His said Majesty.

ARTICLE XV. All vessels bearing the flag of Sweden or of Norway in time of war shall receive every possible protection, short of actual hostility, within the ports and waters of His Majesty the King of the Hawaiian Islands; and His Majesty the King of Sweden and Norway engages to respect in time of war the neutral rights of the Hawaiian Kingdom, and to use his good offices with all other powers, having treaties with His Majesty the King of the Hawaiian Islands, to induce them to adopt the same policy towards the Hawaiian Kingdom.

ARTICLE XVI. If any ship of war or merchant vessel, of either of the contracting parties, should be wrecked on the coasts of the other, such ship or vessel, or any parts thereof, and furniture and appurtenance belonging thereunto, and all goods and merchandise which shall be

saved therefrom, or the produce thereof if sold, shall be faithfully restored to the proprietors, upon being claimed by them, or by their duly authorized agents; and if there are no such proprietors or agents on the spot, then the said goods or merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ship or vessel, shall be delivered to the Swedish or Norwegian or Hawaiian consul, in whose district the wreck may have taken place; and such consul, proprietors or agents, shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage which would have been payable in the like case of a wreck of a national vessel. The goods and merchandise saved from the wreck shall not be subject to duties unless cleared for consumption.

ARTICLE XVII. In order that the two contracting parties may have the opportunity of hereafter treating and agreeing upon such other arrangements as may tend still further to the improvement of their mutual intercourse, and to the advancement of the interests of their respective subjects, it is agreed that at any time after the expiration of seven years from the date of the exchange of the ratifications of the present treaty, either of the contracting parties shall have the right of giving the other party notice of its intention to terminate articles 4, 5 and 6, of the present treaty; and that at the expiration of eighteen months after such notice shall have been received by either party from the other, the said articles, and all the stipulations contained therein, shall cease to be binding on the two contracting parties.

ARTICLE XVIII. The present treaty shall be ratified, and the ratifications shall be exchanged at Honolulu in eighteen months, or sooner, if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and affixed thereto their respective seals.

Done at Honolulu, this first day of July, in the year of Our Lord, one thousand eight hundred and fifty-two.

R. C. WYLLIE,
H. H. M.'s Minister of Foreign Affairs, Member of His Privy Council of State, and of His House of Nobles.

[L. S.]

C. A. VIRGIN,
Chamberlain to His Majesty the King of Sweden and Norway, Post Captain in the R. Swedish Navy, Knight of the Royal Order of the Sword and of the Imperial Russian Order of St. Stanislaus.

ADDITIONAL ARTICLE.—This treaty shall not be considered as permanently binding until the ratifications have been exchanged as provided for in article eighteen, but it has been agreed that from this date, all the benefits under it shall be extended to all the subjects of His Swedish and Norwegian Majesty, their commerce and navigation.

Done at Honolulu, this first day of July, in the year of Our Lord, one thousand eight hundred and fifty-two.

[L. S.] R. C. WYLLIE.
[L. S.] C. A. VIRGIN.

And whereas, We, Kamehameha IV., have fully examined all the points and articles thereof, by and with the advice of Our Privy Council of State, We have confirmed and ratified the foregoing treaty, and We do confirm and ratify the same, in the most effectual manner, promising on Our faith and word as King, for Us and Our successors, to fullfil and observe it faithfully and scrupulously in all its clauses.

In faith of which We have signed this ratification with Our hand, and have affixed thereto the great seal of Our Kingdom.

Done at our Palace of Honolulu this fifth day of April, in the year of Our Lord, 1855, and the first of Our reign.

[L. S.] KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

By the King and Kuhina Nui.

R. C. WYLLIE,
Minister of Foreign Relations.

TREATY WITH FRANCE, RATIFIED ON THE 8TH OF SEPTEMBER, 1858.

Traité d'amitié, de commerce et de navigation, entre Sa Majesté Napoléon III., Empereur des Français, et Sa Majesté Kaméhaméha IV., Roi des Iles Havaï. Au nom de la Très Sainte Trinité :

DES RELATIONS de commerce étant établies depuis plusieurs années,

entre la France et les Iles Sandwich, il a été jugé utile d'en régulariser l'existence, d'en favoriser le développement et d'en perpétuer la durée, par un traité d'amitié, de commerce et de navigation, fondé sur l'intérêt commun des deux pays, et propre à faire jouir les sujets respectifs d'advantages égaux et réciproques.

D'aprés ce principe et à cet effet, ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur des Français, Monsieur Louis Emile Perrin, Chevalier de l'ordre Imperial de la Légion d'honneur, son Consul et Commissaire prés du Gouvernement Havaïen.

Et Sa Majesté le Roi des Iles Sandwich : Son Altesse Royale le Prince Loth Kaméhaméha, Général, Commandant en Chef des troupes Havaïennes, son Ministre de l'Intérieur, Ministre des Finances *ad interim*, Membre de son Conseil privé et de la Chambre des Nobles ; et Monsieur Robert Crichton Wyllie, son Ministre des Affaires Etrangères, son Secrétaire d'Etat pour la guerre et la marine, membre de son Conseil Privé et de la Chambre des Nobles.

Lesquels, après s'être communiqué leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus des articles suivants :

ARTICLE I. Il y aura paix constante et amitié perpétuelle entre Sa Majesté l'Empereur des Français, ses héritiers et successeurs d'une part, et Sa Majesté le Roi des Iles Sandwich, ses héritiers et successeurs d'autre part, ent entre les sujets de l'un et de l'autre Etat, sans exception de personnes, ni de lieux.

ARTICLE II. Il y aura entre tous les territoires de l'Empire Français en Europe et ceux des Iles Sandwich, une liberté réciproque de commerce. Les sujets respectifs pourront entrer en tout liberté, avec leurs navires et cargaisons, dans tous les lieux, ports et rivières des deux Etats qui sont ou seront ouverts au commerce étranger.

Ils pourront y faire le commerce d'échelle, conformément aux lois, pour y décharger en tout ou en partie, les cargaisons par eux apportées de l'étranger, et pour former successivement leur cargaison de retour, mais ils n'auront pas la faculté d'y décharger les marchandises qu'ils auraient reçues dans un autre port du même Etat, ou autrement de faire le cabotage, qui démeure exclusivement réservé aux nationaux.

Ils pourront, sur les territoires respectifs voyager ou séjourner, commercer tant en gros qu'en détail, comme les nationaux, s'établir par tout où ils le jugeront convenable à leurs intérêts, louer et occuper les maisons, magasins et boutiques qui leur seront nécessaires; effectuer des transports de marchandises et d'argent, et recevoir des consignations; être admis comme caution aux Douanes, quand il y aura plus d'un an qu'ils seront établis sur les lieux, et que les biens fonciers qu'ils y posséderont présenteront une guarantie suffisante.

Ils seront entièrement libres de faire leurs affaires eux mêmes, et, notamment, de presenter en Douane leurs propres déclarations, ou de se faire suppléer par qui bon leur semblera, facteur, agent, consignataire ou interprête, sans avoir, comme étrangers, à payer aucun surcroit de salaire ou de rétribution. Ils auront la faculté d'acheter et de vendre à qui bon leur semblera, sans qu'aucun monopole, contrat ou privilège exclusif de vente ou d'achat, puisse leur porter préjudice ou restreindre en quoique ce soit leur liberté à cet égard. Ils seront également libres, dans tous leurs achats comme dans toutes leurs ventes, de fixer le prix des effets, marchandises et objets quelconques, tant importés que destinés à l'exportation, sauf à se conformer aux lois et réglements du pays.

Enfin ils ne seront assujettis dans aucun des cas ci-dessus, à d'autres charges, taxes ou impôts, en matiére de Douanes, que ceux auxquels sont soumis les nationaux.

Article III. Il est convenu que les documents présentés par des Français dans leur propre langue seront admis dans tous les cas où des documents en langue Anglaise le seraient, et que les affaires auxquelles se rapporteront les pièces rédigées dans ces deux langues seront expédiées avec la même bonne foi et le même soin. Toutes les fois que l'exactitude de la traduction de l'une des pièces sus énoncées, sera mise en question, ladite traduction sera soumise au Consul de France, qui, aprés examen, la certifiera conforme.

Article IV. Les sujets respectifs jouiront dans l'un et l'autre Etat d'une constante et complète protection pour leurs personnes et leurs propriétés. Ils auront, en conséquence, un libre et facile accès auprès des tribunaux de justice, pour la poursuite et la defense de leur droits, en toute instance et dans tous degrés de juridiction établis par les lois. Ils seront libres d'employer dans toutes les circonstances, les avocats, avoués ou

agents de toute classe qu'ils jugeront á propos ; enfin, ils jouiront, sous ce rapport, des mêmes droits et priviléges que ceux qui sont ou seront accordés aux nationaux.

Ils seront d'ailleurs exempts de tout service personnel, soit dans les armées de terre ou de mer, soit dans les gardes ou milices nationales, ainsi que de toutes contributions de guerre, emprunts forcés, réquisitions ou services militaires quels qu'ils soient, et, dans tous les autres cas, ils ne pourront pas être assujettis pour leurs propriétés soit mobilières, soit immobilières, à d'autres charges ou impôts que ceux auxquels seraient soumis les nationaux eux mêmes ou les sujets ou citoyens de la nation la plus favorisée sans exception.

Les sujets Havaïens jouiront dans toutes les possessions et colonies Françaises des mêmes droits, priviléges et de la même liberté de commerce et de navigation, dont jouit actuellement ou jouira la nation la plus favorisée, et, réciproqeument, les Français habitants des possessions et colonies de la France, jouiront, dans toute leur extension, des même droits, priviléges, et de la même liberté de commerce et de navigation, qui, par ce traité, sont accordés, aux Iles Sandwich, aux Français, à leur commerce et à leur navigation.

Article V. Les Français ne seront inquiétés ni gênés en aucune manière, aux Iles Sandwich, pour cause de religion : ils jouiront au contraire, dans l'exercice public ou privé de leur culte, d'une entière liberté de conscience et de toutes les garanties, droits et protection assurés aujourdhi, ou qui seraient assurés par la suite, aux sujets indigènes et aux sujets ou citoyens de la nation la plus favorisée.

Les sujets Havaïens jouiront en France, en matière de religion, des mêmes droits, garanties, liberté et protection.

Article VI. Les sujets des deux pays seront libres d'acquérir et de posséder des immeubles et de disposer comme il leur conviendra, par vente, donation, échange, testament, ou de quelque autre manière que ce soit, de tous les biens qu'ils posséderaient sur les territoires respectifs. De même les sujets de l'un des deux Etats qui seraient héritiers de biens situés dans l'autre, pourront succéder, sans empêchment, à ceux desdits biens leur qui seraient dévolus même *ab intestat*, et en disposer selon leur volonté, et lesdits héritiers ou légataires ne seront assujettis à aucun *droit* d'aubaine ou de détraction, et ne seront pas tenus à acquitter des

droits de succession ou autres, plus élevés que ceux qui seraient supportés dans des cas semblables, par les nationaux eux mêmes.

ARTICLE VII. Si, (ce qu'à Dieu ne plaise) la paix entre les deux parties contractantes venait à être rompue, il sera accordé, de part et d'autre, aux sujets de chacune des deux parties contractantes, un terme d'une année, pour régler leurs affaires et pour disposer de leurs propriétés, et, en outre, un sauf-conduit leur sera délivré pour s'embarquer dans tel port qu'ils indiqueront de leur propre gré.

Tous les autres Français ou Havaïens ayant un établissement fixe et permanent dans les Etats respectifs, pour l'exercice de quelque profession ou occupation que ce soit, pourront conserver leur établissement et continuer leur profession sans être inquiétés en aucun manière, et la possession pleine et entière de leur liberté et de leurs biens leur sera laissée, tant qu'ils ne commettront aucune offense contre les lois du pays. Enfin, leurs propriétés ou biens, de quelque nature qu'ils soient, ne seront assujettis à aucune saisie ou séquestre, ni à d'autres charges et impositions que celles exigés des nationaux eux mêmes, les deniers qui leur seraient dûs par des particuliers ou qu'ils posséderaient dans les fonds publics, dans les banques et compagnies industrielles ou commerciales, ne pourront jamais être saisis, séquestrés ou confisqués.

ARTICLE VIII. Le commerce Français dans les Iles Sandwich, et le commerce Havaïen en France, seront traités, sous le rapport des droits de Douane, tant à l'importation qu'à l'exportation, comme celui de la nation étrangère la plus favorisée.

Dans aucun cas les droits d'importation imposés en France sur les produits du sol ou de l'industrie des Iles Sandwich, et dans ces Iles, sur les produits du sol ou de l'industrie de la France, ne pourront être autres ou plus élevés que ceux auxquels sont ou seront, soumis les mêmes produits de la nation la plus favorisée. Il en sera de même pour les droits d'exportation.

Aucune prohibition ou restriction d'importation ou d'exportation n'aura lieu dans le commerce réciproque des deux pays, qu'elle ne soit également étendue à toutes les autres nations, et les formalités qui pourraient être requises pour justifier de l'origine ou de la provenance des

marchandises respectivement importés dans l'une des deux Etats, seront également communes à toutes les autres nations.

ARTICLE IX. Tous les produits du sol et de l'industrie de l'un des deux pays, dont l'importation n'est pas expressément prohibée, payeront dans les ports de l'autre, les mêmes droits d'importation, qu'ils soient chargés sur navires Français ou Havaïens. De même les produits exportés acquitteront les mêmes droits, et jouiront des mêmes franchises, allocations et restitutions de droits, qui sont ou pourraient être réservées aux exportations faites sur bâtiments nationaux. Toutefois il est fait exception á ce qui précède, en ce qui concerne les avantages et encouragements particuliers dont le pêche nationale est ou pourra être l'objet dans l'un ou l'autre pays.

ARTICLE X. Il est convenue :

1°. Que l'importation et la vente des vins et eaux de vie d'origine Français ne pourront être prohibées dans les Iles Sandwich.

2°. Que le taux des droits imposés, dans les ports Havaïens, à l'importation des vins d'origine Française, dits de cargaison, en barriques et en caisses, n'excédera pas, pendant la durée du présent traité, le taux de 5 pour cent. de la valeur, les prix de facture devant servir de base d'évaluation, conformément à la loi Havaïenne du 27 Avril, 1846.

3°. Que le taux des droits sur les vins Français de qualité supérieure, mais qui ne contiendront pas plus de 18 per cent. d'alcohol, n'excédera pas, pendant la même période, 15 pour cent. de la valeur.

4°. Que le taux des droits imposés sur les eaux de vie d'origine Française, n'excédera pas, pendant la même période, trois piastres au maximum par gallon, tel qu'il est défini par la loi Havaïenne du 27 Avril, 1846, troisième partie, chapitre 4, article 2, page 187.

Il ne sera ajouté dans aucun cas, aux droits sur les vins et eaux de vie ci-dessus spécifiés, aucune surtaxe de Douane ou de navigation, ou autre charge quelconque à quelque titre que ce soit.

Il est entendu que rien dans cet article ne s'opposera au rétablissement du droit de tonnage par le Gouvernement Havaïen, et sur l'ensemble de sa navigation nationale et étrangère.

ARTICLE XI. Les navires Français arrivant dans les ports des Iles Sandwich ou en sortant et les navires Havaïens, à leur entrée dans les ports de

France ou à leur sortie des dits ports, ne seront assujettis ni à d'autres ni à de plus forts droits de tonnage, de phare, d'ancrage, de port, de quai, de pilotage, de quarantaine ou autres, sous quelque dénomination que ce soit, affectant le corps du bâtiment, que ceux auxquels sont ou seront assujettis les navires de la nation la plus favorisée.

ARTICLE XII.' Les bâtiments Français aux Iles Sandwich et les bâtiments Havaïens en France, pourront décharger une partie de leur cargaison dans le port de prime abord, et se rendre ensuite, avec le reste de cette cargaison, dans d'autres ports du même Etat, soit pour y achever de débarquer leur chargement de d'arrivée, soit pour y compléter leur chargement de retour, en ne payant, dans chaque port, d'autres ou de plus forts droits que ceux que payent les bâtiments nationaux dans des circonstances semblables.

ARTICLE XIII. Lorsque, par suite de relâche forcée ou d'avarie constatée, les navires de l'une des deux puissances contractantes entreront dans les ports de l'autre ou toucheront sur les côtes, ils ne seront assujettis à aucun droit de navigation, sous quelque dénomination que ces droits soient respectivement établis, sauf les droits de pilotage et autres représentant le salaire de services rendus par des industries privés, pourvu que ces navires n'effectuent aucune opération de commerce, soit en chargeant, soit en déchargeant des marchandises. Il leur sera permis de déposer à terre les marchandises composant leur chargement, pour empêcher qu'elles ne dépérissent, et il ne sera exigé d'eux d'autres droits que ceux relatifs au loyer des magasins et chantiers publics qui seraient nécessaires pour déposer les marchandises et pour réparer les avaries du bâtiment.

ARTICLE XIV. Seront considéres comme Français les bâtiments construits en France, ou nationalisés conformément aux lois de ce pays, pourvu d'ailleurs que les capitaines et les trois quars de l'équipage soient Français. Le ou les propriétaires dudit navire ne seront tenus de justifier de la même nationalité, que dans les proportions fixées par la loi Française.

De même, devront être considérés comme Havaïens tous les bâtiments construits sur le territoire des Iles Sandwich, ou nationalisés conformément aux lois Havaïennes, pourvu toutefois que les capitaines et les trois

quarts de l'équipage soient Havaïens. Le ou les propriétaires dudit navire ne seront tenus de justifier de la même nationalité, que dans les proportions fixées par la loi Havaïenne.

Il est convenu d'ailleurs, que tout navire Français ou Havaïen, pour jouir, aux conditions ci-dessus, du privilége de sa nationalité, devra être muni d'un passeport, congé ou registre, dont la forme sera réciproquement communiquée, et qui, certifiée par l'autorité compétente pour le délivrer, constatera :

1°. D'abord le nom, la profession et la résidence en France ou aux Iles Sandwich du propriétaire, en exprimant qu'il est unique, ou des propriétaires en indiquant leur nombre, et dans quelle proportion chacun d'eux possède.

2°. Le nom, la dimension, la capacité et enfin toutes les particularités du navire qui peuvent le faire reconnaître, aussi bien qu'établir sa nationalité.

En cas de doubte sur cette nationalité, sur celle du propriétaire, du capitaine et de l'équipage, les Consuls ou les Agents Consulaires de celui des deux pays pour lequel le navire sera destiné, auront le droit d'en demander les preuves authentiques, avant de viser les papiers du bord, le tout sans frais pour le navire.

Si l'expérience venait à démontrer que les intérêts de la navigation de l'une ou de l'autre des deux parties contractantes souffrent de la teneur du présent article, elles se réservent d'y apporter, d'un commun accord, les modifications qui leur paraîtraient convenables.

Article XV. Les bâtiments de guerre, les bateaux à vapeur de l'Etat, les paquebots affectés à un service postal, et les navires baleiniers Français auront un libre accès dans les ports Havaïens de Hanalei, Honolulu, Lahaina, Hilo, Kavaihae, Kealakekua, Koloa ; ils pourront y séjourner, s'y réparer et y faire rafraîchir leur équipages ; ils pourront aussi aller d'un port à l'autre des Iles Sandwich, pour s'y procurer des vivres frais.

Dans tous les ports énoncés dans le présent article, comme dans tous ceux qui pourront être ouverts par la suite aux navires étrangers, les bâtiments de guerre, bateaux à vapeur, paquebots poste et navires baleiniers Français seront soumis aux mêmes règles qui sont ou seront imposées, et jouiront, à tous égards, des mêmes droits, priviléges et immunités qui sont ou seront accordés aux mêmes navires et bâtimens baleiniers Havaïens ou à ceux de la nation la plus favorisée.

ARTICLE XVI. Il pourra être établi des Consuls et Vice-Consuls de chacun des deux pays dans l'autre, pour la protection du commerce, mais ces Agents n'entreront en fonctions qu'après avoir obtenu l'exequatur du Gouvernement territorial. Celui-ci conservera, d'ailleurs, le droit de déterminer les résidences où il lui conviendra d'admettre les Consuls: bien entendu que, sous ce rapport, les deux Gouvernements ne s'opposeront respectivement aucune restriction qui ne soit commune dans leur pays, à toutes les nations.

ARTICLE XVII. Les Consuls et Vice-Consuls respectifs, ainsi que les Elèves-Consuls, Chanceliers ou Secrétaires, attachés à leur mission, jouiront dans les deux pays, des priviléges généralement attribués à leur charge, tels que l'exemption des logements militaires, et celle de toutes les contributions directes tant personnelles que mobilières ou somptuaires, à moins toutefois qu'ils ne soient sujets du pays, ou qu'ils ne deviennent soit propriétaires, soit possesseurs de biens immeubles, ou enfin qu'ils ne fassent le commerce, pour lesquels cas ils seront soumis aux mêmes taxes, charges et impositions que les autres particuliers. Ces Agents jouiront en outre, de tous les autres priviléges, exemptions et immunités qui pourront être accordés dans leur résidence, aux Agents du même rang de la nation la plus favorisée,

Les Consuls et Vice-Consuls non plus que les Elèves, Chanceliers et Secrétaires, étrangers à tout acte de commerce et exclusivement limités à l'accomplissement de leurs devoirs publics, ne pourront être soumis à comparaître comme témoins devant les tribunaux. Quand la justice du pays aura besoin de prendre quelque déclaration juridique de leur part, elle devra la leur demander par écrit ou se transporter à leur domicile pour la recevoir de vive voix.

En cas de décès, d'empêchement ou d'absence des Consuls ou Vice-Consuls, leurs Chanceliers ou Secrétaires seront de plein droit, admis à gérer par intérim les affaires de l'établissement Consulaire, sans empêchement ni obstacle de la part des autorités locales, qui leur donneront, au contraire, dans ce cas, toute aide et assistance et les feront jouir, pendant la durée de leur gestion intérimaire, de tous les droits, priviléges et immunités stipulés dans la présente convention en faveur des Consuls et Vice-Consuls.

Pour l'exécution du paragraphe qui précède, il est convenu que les Chefs de postes Consulaires devront, à leur arrivée dans le pays de leur

résidence, envoyer au Gouvernement une liste nominative des personnes attachées à leur mission, et si quelque changement s'opérait ultérieurement dans le personnel, ils en donneront également avis.

ARTICLE XVIII. Les archives, et en général tous les papiers des Chancelleries des Consulats respectifs, seronts inviolables, et, sous aucun prétexte, ni dans aucun cas, ils ne pourront être saisis ni visités par l'autorité locale.

ARTICLE XIX. Les Consuls respectifs seront libres d'établir des Agents Consulaires ou Vice-Consuls dans les différentes villes, ports et lieux de leur arrondissement Consulaire, où le bien du service qui leur est confié l'exigera, sauf, bien entendu, l'approbation et l'exequatur du Gouvernement territorial. Ces Agents pourront être indistinctement choisis parmi les sujets des deux pays, comme parmi les étrangers, et seront munis d'un brevet délivré par le Consul qui les aura nommés et sous les ordres duquel ils devront être placés. Ils jouiront, d'ailleurs, des mêmes priviléges et immunités stipulés par l'article 17 de la présente Convention, sauf les exceptions mentionnées dans le premier paragraphe dudit article.

ARTICLE XX. Les Consuls respectifs pourront, au décès de leurs nationaux morts sans avoir testé ni désigné d'exécuteur testamentaire— 1°, apposer les scellés, soit d'office, soit à la réquisition des parties intéressées, sur les effets mobiliers et les papiers du défunt, en prévenant d'avance de cette opération l'autorité locale compétente qui pourra y assister, et même si elle le juge convenable, croiser de ses scellés ceux qui auront été apposés par le Consul, et dès lors, ces doubles scellés ne seront levés que de concert: 2°, dresser aussi, en présence de l'autorité compétente du pays, si elle croit devoir s'y présenter, l'inventaire de la succession: 3°, faire procéder, suivant l'usage du pays, à la vente des effets mobiliers en dépendant, enfin, administrer et liquider personnellement ou nommer, sous leur responsibilité, un agent pour administrer et liquider ladite succession, sans que l'autorité locale ait à intervenir dans ces nouvelles opérations.

Mais lesdits Consuls seront tenus de faire annoncer la mort du défunt dans une des gazettes qui se publieront dans l'étendue de leur arrondissement, et ils ne pourront faire la délivrance de la succession ou de

son produit aux héritiers légitimes ou à leurs mandataires, qu'après avoir fait acquitter toutes les dettes que le défunt pourrait avoir contractées dans le pays, ou qu'autant qu'une année se sera écoulée depuis la date du décès, sans qu'aucune réclamation ait été présentée contra la succession.

ARTICLE XXI. En tout ce qui concerne la police des ports, le chargement et le déchargement des navires, la sûreté des marchandises biens et effets, les sujets des deux pays seront respectivement soumis aux lois et statuts du territoire. Cependant les Consuls respectifs seront exclusivement chargés de l'ordre intérieur à bord des navires de commerce de leur nation, et connaîtront seuls de tous les crimes, délits, contraventions et autres sujets de difficultés, relatifs audit ordre intérieur, qui surviendraient entre les hommes, le capitaine et les officiers de l'équipage, pourvu que les parties contendantes soient exclusivement des sujets Français ou des sujets Havaïens, et les autorités locales ne pourront y intervenir, autrement qu'avec l'approbation et le consentement du Consul, ou dans les cas où la paix et la tranquilité publique seraient troublées ou compromises.

ARTICLE XXII. Les Consuls respectifs pourront faire arrêter et renvoyer soit à bord, soit dans leur pays, les matelots et toutes les autres personnes faisant régulièrement partie des équipages des bâtiments de leur nation respective, à un autre titre que celui de passagers, qui auraient déserté desdits bâtiments. A cet effet, ils s'adresseront par écrit aux autorités locales compétentes et justifieront, par l'exhibition des registres du bâtiment ou de rôle d'équipage, ou, si le navire était parti, par copie desdites piéces, dûment certifiée pareux, que les hommes qu'ils réclament faisaient partie dudit équipage. Sur cette demande ainsi justifiée, la remise ne pourra leur être refusée.

Il leur sera donné, de plus, tout aide et assistance pour la recherche, saisie et arrestation desdits déserteurs, qui seront même détenus et gardés dans les prisons du pays, à la requisition et aux frais des Consuls, jusqu'à ce que ces Agents aient trouvé une occasion de les faire partir. Si, pourtant, cette occasion ne se présentait pas dans un délai de trois mois, à compter du jour de l'arrestation, les déserteurs seraient mis en liberté et ne pourraient plus être arrestés pour la même cause.

Il est en outre formellement convenu que toute autre concession ou

facilité tendant à réprimer la désertion, que l'une des deux parties contractantes aurait accordé ou accorderait par la suite à un autre Etat, sera considérée comme également acquise de plein droit, à l'autre partie contractante, de la même manière que si cette concession ou facilité avait été expressément stipulée dans le présent traité.

ARTICLE XXIII. Toutes les fois que les armateurs, les chargeurs, les assureurs ou leurs Agents respectifs, soit dans le port de départ, soit dans celui d'arrivée, n'y feront aucune objection, les avaries que les navires des deux pays auraient éprouvées en mer, en se rendant dans les ports respectifs, seront réglés par les Consuls de leur nation.

ARTICLE XXIV. Toutes les opérations relatives au sauvetage des navires Français naufragés ou échoués sur les côtes des Iles Sandwich, seront dirigées par les Consuls de France, et, réciproquement, les Consuls Havaiens dirigeront les opérations relatives au sauvetage des navires de leur nation naufragés ou échoués sur les côtes de France.

L'intervention des autorités locales aura seulement lieu dans les deux pays pour maintenir l'ordre, garantir les intérêts des sauveteurs, s'ils sont étrangers aux équipages naufragés, et assurer l'execution des dispositions à observer pour l'entrée et la sortie des marchandises sauvées. En l'absence et jusqu'à l'arrivée des Consuls ou Vice-Consuls, les autorités locales devront, d'ailleurs, prendre toutes les mesures nécessaires pour la protection des individus et la conservation des effets naufragés.

Les marchandises sauvées ne seront tenus à aucun droit de Douane, à moins qu'elles ne soient admises à la consommation intérieure.

Les indemnités de sauvetage et autres dépenses accessoires ne pourront être, dans les deux pays, autres ou plus élevées que celles qui seraient payées, en pareil cas, pour un navire national.

ARTICLE XXV. Il est formellement convenu entre les deux parties contractantes, qu'indépendamment des stipulations qui précèdent, les Agents diplomatiques et Consulaires, les sujets de toute classe, les navires, les chargements et les marchandises de l'un des deux Etats jouiront, de plein droit, dans l'autre, des franchises, priviléges et immunités quelconques, consenties ou à consentir en faveur de la nation la plus favorisée ; et ce, gratuitement, si la concession est gratuite, ou avec la même compensation, si la concession est conditionnelle.

Il est notamment stipulé que l'arrangement postal conclu à Honolulu le 24 Novembre, 1853, et qui règle l'échange de la correspondence entre les Iles de la Société et l'Archipel Havaïen, et réciproquement, sera maintenu, et que les deux parties contractantes se réservent uniquement d'en modifier les détails, au fur et à mesure que la nécessité pourra s'en faire sentir.

ARTICLE XXVI. Le présent Traité sera en vigueur pendant dix ans à compter de jour de l'échange des ratifications, et si, un au auvent l'expiration de ce terme, ni l'une ni l'autre des deux parties contractantes n'annonce, par une déclaration officielle, son intention d'en faire cesser l'effet, ledit Traité restera encore obligatoire pendant une année, et ainsi de suite, jusqu'à l'expiration des douze mois qui suivront la déclaration officielle en question, à quelque époque qu'elle ait lieu.

Il est bien entendu que, dans le cas où cette déclaration viendrait à être faite par l'une ou l'autre des parties contractantes, les dispositions du Traité relatives au commerce et à la navigation, et énoncés dans les articles 8, 9, 10, 11, 12, 13, 14, et 24, seraient seules considérées comme ayant cessé et expiré ; mais qu'à l'égard des autres articles, le Traité n'en resterait pas moins perpétuellement obligatoire, et ne pourrait être modifié que d'un commun accord eatre les deux parties contractantes.

ARTICLE XXVII. Le présent Traité sera ratifié et les ratifications en seront échangées à Honolulu dans le délai de dix mois, ou plus tôt, si faire se peut. Il ne sera mis à exécution que douze mois après la date dudit échange.

En foi de qui les Plénipotentiaires sus désignés l'ont signé et y ont apposé leurs cachets respectifs.

Fait à Honolulu le vingt-neuviéme jour du mois d'Octobre, d l'an de grâce mil huit cent cinquante sept.

(Signé,)	(Signé,)	(Signé,)
EM. PERRIN.	L. KAMEHAMEHA.	R. C. WYLLIE.
[Cachet.]	[Cachet.]	[Cachet.]

A ces causes, après avoir soigneusement examiné le Traité ci-dessus inséré, dans tous ses points et clauses, de l'avis de notre Conseil Privé d'Etat, nous avons confirmé et ratifié ledit Traité, comme nous le confirmons et ratifions par les présentes de la manière la plus efficace que

faire se peut, promettant en foi et parole de Roi, pour nous et pour nos successeurs de le garder et observer inviolablement et scrupuleusement dans toutes ses parties.

En foi de quoi nous avons signé cette ratification de notre propre main et y avons apposé le grand sceau de notre Royaume.

Fait en notre Palais de Honolulu, le huitième jour du mois de Septembre, de l'an de grâce mil huit cent cinquante huit et de notre règne le quatrième.

KAMEHAMEHA.

KAAHUMANU.

Par le Roi et le Kuhina Nui.

R. C. WYLLIE.

ENGLISH VERSION.

Treaty of Friendship, Commerce and Navigation, between His Majesty Napoleon III., Emperor of the French, and His Majesty Kamehameha IV., King of the Sandwich Islands. In the name of the Most Holy Trinity.

Relations of commerce having been established, several years ago, between France and the Sandwich Islands, it has been considered useful to regulate these relations, to favor their development and to perpetuate their duration, by a treaty of friendship, commerce and navigation, founded on the common interests of the two States, and such as to secure the enjoyment, by their respective subjects, of equal and reciprocal advantages.

In conformity with this principle, and with this object, they have nominated for their Plenipotentiaries, to wit:

His Majesty the Emperor of the French, Monsieur Louis Emile Perrin, Knight of the Imperial Order of the Legion of Honor, His Consul and Commissioner near the Hawaiian Government:

And His Majesty the King of the Sandwich Islands, His Royal Highness the Prince Lot Kamehameha, General Commanding in Chief, His Minister of the Interior, Acting Minister of Finance, Member of His Privy Council and of the House of Nobles; and Robert Crichton

Wyllie, Esquire, His Minister of Foreign Relations, His Secretary of State for War and the Navy, Member of His Privy Council and of the House of Nobles:

Who, having communicated their respective powers, found in due form and order, have agreed to the following articles:

ARTICLE I. There shall be constant peace and perpetual friendship between His Majesty the Emperor of the French, His heirs and successors, on the one part, and His Majesty the King of the Sandwich Islands, His heirs and successors, on the other part, and between the subjects of the two States, without excepting persons or places.

ARTICLE II. There shall be reciprocal liberty of commerce between all the territories of the French Empire, in Europe, and those of the Hawaiian Islands. Their respective subjects shall have entire liberty to enter with their ships and cargoes, in all the places, ports and rivers of the two States, which are or may be opened to foreign commerce.

They shall have liberty to trade from place to place, under the provisions of the laws, to discharge there, in all or in part, the cargoes by them imported from abroad, and, thereafter, to lay in their return cargoes; but they shall not have liberty there to discharge the merchandise which they shall have received from another port of the same State, or, in other words, to carry on the coasting trade, which remains exclusively reserved to the natives.

They shall have liberty, in their respective territories, to travel or reside, trade by wholesale or retail, as native subjects, to establish themselves wherever they may think it suitable for their interests, to hire and occupy the houses, stores and shops which may be necessary to them, to effect the transmission of goods and money and to receive consignments, to be admissable as bondsmen, at the custom-houses, after they shall have been established more than one year in their places of residence, within either of the two States, and after that the real estate which they may there possess shall afford a sufficient guaranty.

They shall be at entire liberty to conduct their business themselves, and especially to present in the custom-houses their own declarations, or to be represented when they find it convenient by a factor, agent, consignee or interpreter, without having, as foreigners, to pay any extra charge or pecuniary allowance. They shall have the right to buy and

to sell of and to whom they please, without any monopoly, contract or exclusive privilege of sale or purchase, prejudicing or restricting in any manner whatever their liberty in this respect. They shall be equally free, in all their purchases as well as in all their sales, to fix the price of their goods, merchandise and objects of every kind, both imported and destined for exportation, so long as they comply with the laws and regulations of the country.

Finally, they shall not be subjected in any of the aforesaid cases, to other charges, taxes or imposts at the custom-houses than those to which native subjects are subjected.

ARTICLE III. It is agreed that documents presented by French subjects in their own language shall be admitted in every case in which documents in the English language may be admitted, and the business to which the documents drawn up in said language may relate shall be dispatched with the same good faith and care; but whenever a translation is presented about the accuracy of which a difference may arise, the same shall be referred to the French Consul for his revision and certificate of approval.

ARTICLE IV. Their respective subjects shall enjoy, in both States, a constant and complete protection for their persons and properties. They shall, consequently, have free and easy access to the tribunals of justice, in prosecution and defense of their rights, in every instance, and in all the degrees of jurisdiction established by the laws. They shall be at liberty to employ, in all circumstances, the advocates, solicitors or agent of every class that they may think proper; in fine, they shall enjoy, in all these respects, the same rights and privileges which are or may be granted to native subjects.

They shall, besides, be exempt from all personal service, whether in the army or the navy, in national guards or militia, as also from every war tax, forced loan, requisition or military service, whatever it may be, and, in every other case, they shall not be subjected, whether as regards their personal property or real estate, to other charges or imposts than those to which the natives themselves, or the subjects or citizens of the most favored nation, without exception, shall be subjected.

Hawaiian subjects shall enjoy in all the possessions and colonies of France the same rights, privileges, and the same liberty of commerce

and navigation which are actually enjoyed or may be enjoyed by the most favored nation; and, reciprocally, the French inhabitants of the possessions and colonies of France shall enjoy, in all their extension, the same rights and privileges, and the same liberty of commerce and navigation which, by this treaty, are accorded in the Hawaiian Islands to the French in regard to their commerce and navigation.

ARTICLE V. French subjects shall not be disturbed or troubled in any way in the Hawaiian Islands on account of religion; they shall enjoy, on the contrary, in the public or private exercise of their worship, entire liberty of conscience and all the guarantees, rights and protection now ensured or that may be hereafter ensured to native subjects and the subjects or citizens of the most favored nation.

Hawaiian subjects shall enjoy, in France, in regard to religion, the same rights, guarantees, liberty and protection.

ARTICLE VI. The subjects of the two countries shall be free to acquire and possess real estate, and to dispose, as may suit them, by sale, donation, exchange, will, or in any other way whatever, of all the property which they may possess in the respective territories; also, the subjects of either of the two States who may become heirs of property situated in the other, may succeed without hindrance to those of said properties which may devolve upon them even *ab intestato*, and dispose of them according to their pleasure; and the said heirs or legatees shall not be subjected to any charges of transfer or deduction, and shall not be bound to pay any expenses of succession or others higher than those which shall be borne, in like cases, by the natives themselves.

ARTICLE VII. If (which God forbid!) the peace between the two contracting parties come to be broken, there shall be granted, on both sides, to the subjects of each of the two contracting parties, a term of one year to settle their affairs and to dispose of their property, and, moreover, a safe conduct shall be delivered to them to embark in such ports as they may voluntarily indicate.

All other Frenchmen or Hawaiians having a fixed or permanent establishment in the respective States, for the exercise of any profession or occupation, whatever it may be, shall be allowed to preserve their establishments and to continue their profession without being disturded in

any manner whatever, and they shall continue in the full and entire possession of their liberty and their property so long as they shall commit no offense against the laws of the country. Finally, their property or goods, of whatever nature they may be, shall not be subjected to any seizure or sequestration, nor to other charges and imposts than those exacted from natives.

Likewise the moneys which may be due to them by private individuals, or which they may possess, in the public funds, in banks, in manufacturing and commercial companies, shall never be seized, sequestered or confiscated.

ARTICLE VIII. French commerce in the Hawaiian Islands, and Hawaiian commerce in France, shall be treated, in regard to custom-house duties, both for importation and exportation, as that of the most favored foreign nation.

In any case the import duties imposed in France upon the products of the soil, or of the industry of the Hawaiian Islands, and in those Islands upon the products of the soil or of the industry of France, shall not be other or higher than those to which the same products of the most favored nation are or may be subjected. The same shall be observed in regard to duties on exportation.

No prohibition or restriction of importation or exportation shall take place, in the reciprocal trade of the two countries, which shall not be equally extended to all other nations, and the formalities which may be required to authenticate the origin or the process of the goods respectively imported into either of the two States, shall be equally common to all other nations.

ARTICLE IX. All the products of the soil and of the industry of either of the two countries, the importation of which is not expressly prohibited, shall pay in the ports of the other the same duties of importation, whether they be laden on board of French or Hawaiian vessels. Also, the products exported shall pay the same duties and enjoy the same franchises, allowances and drawbacks of duties which are or may be reserved to the exportation made in national vessels, excepting, however, from the foregoing all special privileges and encouragements granted or to be granted in either of the two countries to their national fisheries.

ARTICLE X. It is agreed:

1. That the importation and the sale of wines and brandies of French origin shall not be prohibited in the Hawaiian Islands.

2. That the rate of duties imposed in Hawaiian ports on the importation of wines of French origin, namely, those known as wines of "carguison" in casks and in cases, shall not exceed, during the existence of the present treaty, the rate of 5 per cent. on the value, the invoice cost to serve as the basis of appraisement, agreeably to the Hawaiian law of April 27th, 1846.

3. That the rate of duties on French wines of higher quality, but under 18 per cent. of alcoholic strength, shall not, during the same period, exceed that of fifteen per cent. *ad valorem*.

4. That the rate of duties imposed upon brandies of French origin, shall not exceed, during the same period, three dollars, as a maximum, on the gallon such as defined by the Hawaiian law of April 27th, 1846, 3d part, 4th chapter, article 2d, page 187.

5. There shall not be added, in any case, to the duties on wines and brandies herein specified any extra charge of customs or navigation, or any other charge, whatever its title may be.

It is understood that nothing in this article shall prohibit the imposition of tonnage dues by the Hawaiian Government, on the total amount of foreign and national navigation.

ARTICLE XI. French vessels arriving in the ports of the Hawaiian Islands or departing from them, and Hawaiian vessels on their entrance to or departure from the ports of France, shall not be subjected to other or higher duties of tonnage, light-houses, anchorage, port, government wharfage, pilotage, quarantine or others, under any denomination whatever it may be, affecting the hull of the vessel, than those to which the vessels of the most favored nation are or may be subjected.

ARTICLE XII. French vessels in the Hawaiian Islands, and Hawaiian vessels in France, may discharge a part of their cargo in the port which they may first enter, and repair, afterwards, with the rest of the same cargo to other ports of the same State, whether it be to complete the discharge of their cargo imported, or to complete the lading of their return cargo, they not paying in each port other or higher duties than those which national vessels pay in similar circumstances.

ARTICLE XIII. Whenever in consequence of a forced putting into port or proved average, the vessels of either of the two contracting powers shall enter the ports of the other or touch upon its coast, they shall not be subjected to any duties of navigation, under any denomination under which these duties may be respectively established, except the duties of pilotage and others representing the payment of the services rendered by private exertions, provided that the vessels shall not engage in any operation of trade, whether in loading or in discharging goods. They shall be allowed to deposit on shore the goods composing their cargoes to prevent their destruction, and no other charges shall be exacted of them than those which relate to the hiring of stores and public workshops which may be necessary for the deposit of the goods and the repairs of the damages of the vessels.

ARTICLE XIV. Vessels constructed in France, or nationalized according to the laws of that country, shall be considered to be French vessels, provided always that the captain and three-fourths of the crew be French. The owner or the owners of the said vessels shall have to prove the same nationality only in the same proportions as required by the French laws.

In like manner all the vessels constructed within the territory of the Hawaiian Islands, or nationalized agreeably to Hawaiian laws, shall be considered Hawaiian vessels, provided always that the captain and three-fourths of the crew be Hawaiian. The owner or the owners of the said vessels shall have to prove the same nationality only in the same proportions as those required by the Hawaiian laws.

It is besides agreed that every French or Hawaiian vessel, in order to enjoy, under the above conditions, the privilege of its nationality, shall be furnished with a passport, license to sail, or register, the form of which shall be reciprocally communicated, and which being certified by the authorities competent to deliver the same shall show:

1. The name, the profession and the residence in France, or in the Hawaiian Islands, of the owner, expressing therein that he is the only owner, or if there are several owners, stating their number and what share each of them possesses.

2. The name, the dimensions, the burden, and in short all the peculiarities of the vessel which may distinguish her as well as establish her nationality. In case of any doubt in regard to that nationality, that of

the owner, of the captain and of the crew, the consuls or consular agents of either of the two countries to which the vessel may be destined shall have the right to require authentic proofs before vising the papers on board, but this to be without any expense to the vessel.

If experience should hereafter demonstrate that the interests of the navigation of either of the two contracting parties suffer by the tenor of the present article, they reserve to themselves to make therein in common accord the modifications which may appear to them convenient.

ARTICLE XV. The vessels of war, the steam vessels belonging to the State, the packet boats engaged in the postal service, and the French whaling vessels, shall have free access to the Hawaiian ports of Hanalei, Honolulu, Lahaina, Hilo, Kawaihae, Kealakekua and Koloa; they shall have liberty to stay there to make repairs and to refresh their crews; they may also proceed from one port to another of said ports of the Hawaiian Islands with the view of there procuring fresh provisions.

In all the ports specified in the present article, as well as in all those which may be hereafter opened to foreign vessels, the vessels of war, steam vessels belonging to the State, the packet boats engaged in the postal service and the French whaleships shall be subjected to the same rules as are or may be imposed on, and shall enjoy in all respects the same rights, privileges and immunities which are or may be granted to the same Hawaiian vessels and whaleships, or to those of the most favored nation.

ARTICLE XVI. Consuls and vice-consuls of each of the two countries may be established in the other, for the protection of commerce, but those agents shall not enter upon their functions without having obtained the *exequatur* of the territorial government. The latter shall besides preserve their right to determine the localities in which it may suit it to admit consuls, it being well understood that in this respect the two governments shall not offer respectively any restriction which, in their country, may not be common to all nations.

ARTICLE XVII. The respective consuls and vice-consuls, as well as "eleves consuls," chancellors or secretaries attached to their mission, shall enjoy, in the two countries, the privileges generally allowed to their office, such as the exemption from the billet of soldiers and that from all

direct contributions as well personal as on moveables, or sumptuary, unless always they be subjects of the country, or that they become either proprietors or possessors of real estate, or, finally, that they engage in trade or commerce, whereby they will be subjected to the same taxes, charges, or imposts, as other private individuals. These agents shall enjoy, besides, all the other privileges, exemptions and immunities which may be granted in the places of their residence to the agents of the same rank of the most favored nation.

Neither consuls, vice-consuls, nor their "eleves," chancellors or secretaries, provided they are not engaged in business of any sort, but exclusively confine themselves to the fulfillment of their public duties, shall be subjected to appear as witnesses before the tribunals. When the justice of the country shall have need to take any judicial declaration, on their part, it ought to require it of them in writing, or to proceed to their domicile to receive it *viva voce*.

In case of the death, indisposition or absence of the consuls or vice-consuls, the chancellors or secretaries shall enjoy the perfect right of being admitted to manage, *ad interim*, the affairs of the consular establishment, without hindrance or obstacle on the part of the local authorities, which, on the contrary, shall give them, in that case, every aid and assistance; and they shall enjoy, during the period of their provisional management, all the rights, privileges and immunities stipulated, in the present convention, in favor of consuls and vice-consuls.

To secure the execution of the paragraph which precedes, it is agreed that the chiefs of the consular offices, on their arrival in the country of their residence, shall send to the Government a list of the names of the persons attached to their mission, and if any change should therein afterwards be made, they shall in like manner give notice of the same.

ARTICLE XVIII. The archives, and, in general, all the papers of the offices of the chancellors of the respective consulates, shall be inviolable, and, under no pretext nor in any case whatever, shall they be seized or examined by the local authorities.

ARTICLE XIX. The respective consuls shall be free to establish consular agents or vice-consuls in the different towns, ports and places within their consular jurisdiction, where the good of the service confided to them shall require it; it being well understood that they shall first obtain the approval and the *exequatur* of the territorial government.

These agents may be indiscriminately chosen from among the subjects of the two countries, as well as from among foreigners, and shall be furnished with a commission delivered by the consul who shall have named them, and under whose orders they may be placed. They shall enjoy, besides, the same privileges and immunities stipulated for by the 17th article of the present convention, subject to the exceptions mentioned in the first paragraph of the said article.

ARTICLE XX. The respective consuls, on the death of their fellow-countrymen deceased without having made wills, or designated any testamentary executors, shall have power:

1. To affix seals, whether officially or at the request of the parties interested, upon the moveable effects and the papers of the deceased, giving, beforehand, notice of that operation to the competent local authorities, who may thereat attend, and who, also, if they think proper, may cross, with their seals, those which shall have been affixed by the consuls, and then those double seals shall not be removed except in concert.

2. Also to draw up, in the presence of the competent authorities of the country, if they think it to be their duty to present themselves on the spot, the inventory of the estate.

3. To cause proceedings to take place, according to the usage of the country for the sale of the moveable goods belonging to the estate; in fine, to administer or liquidate, personally or to name, under their responsibility, an agent to administer and liquidate the said estate, without any interference by the local authorities, in these new operations.

But the said consuls shall be bound to cause to be announced the death of the deceased, in one of the gazettes which may be published within the compass of their jurisdiction; and they shall not have power to make a delivery of the estate, or of its proceeds, to the lawful heirs, or to their mandatories, except after having paid all the debts which the deceased may have contracted in the country, or until one year shall have transpired from the date of the death, without any reclamation having been presented against the estate.

ARTICLE XXI. In everything that concerns the police of the port, the lading and discharging of vessels, the safety of merchandise, property and goods, the subjects of the two countries shall be respectively subject

to the laws and statutes of the territory. Nevertheless, the respective consuls shall be exclusively charged with the internal order on board of the merchant vessels of their nation, and shall alone take cognizance of all the crimes, misdemeanors and other matters of difference, in relation to said internal order, which may supervene between the master, the officers, and the crew, provided the contending parties be exclusively French or Hawaiian subjects, and the local authorities shall not be allowed therein to interfere, unless by the approval or consent of the consuls, or in cases where the public peace and tranquility are disturbed and endangered.

ARTICLE XXII. The respective consuls shall have power to cause to be arrested and returned, whether on board or to their own country, sailors and all other persons regularly forming part of the crews of the vessels of their respective nations, bearing any other title than that of passengers, who shall have deserted from the said vessels. For this purpose they shall apply, in writing, to the competent local authorities, and they shall prove by the exhibition of the register of the vessel, or of the roll of the crew, or, if the vessel shall have departed, by copy of the said document, duly certified by them, that the men whom they reclaim made part of the said crew. When this application is so justified, the return is not to be refused. Besides, every aid and assistance shall be given to them for the search, seizure and arrest of the said deserters, who shall even be detained and guarded in the prisons of the country, on the request and at the expense of the consuls, and till those agents shall find an opportunity to send them away. If, however, such an opportunity should not present itself within the period of three months, counting from the day of arrest, the deserters shall be placed at liberty, and shall not be again arrested for the same cause.

It is, moreover, formally agreed that every other concession or facility tending to repress desertion which one of the two contracting parties may have granted, or may hereafter grant, to another State, shall be considered as equally acquired, in full right, by the other contracting party, in the same manner as if that concession or facility had been expressly stipulated in the present treaty.

ARTICLE XXIII. In all cases where there shall be no objection by any of the owners, freighters, insurers, or their respective agents, either in the port of departure or of arrival, the injuries which the vessels of

the two countries may have experienced at sea, while on their voyage to the respective ports, the repairs of such injuries shall be regulated by the consuls of their respective nations.

ARTICLE XXIV. All the operations relative to the salvage of French vessels shipwrecked or stranded upon the coasts of the Hawaiian Islands, shall be directed by the consuls of France, and, reciprocally, the Hawaiian consuls shall direct the operations relative to the salvage of the vessels of their nation shipwrecked or stranded on the coasts of France.

The local authorities shall only interfere, in the two countries, to preserve order, to secure the interests of the salvors, if they do not belong to the shipwrecked crew, and to carry into effect the regulations to be observed for the entry and the exportation of the merchandise saved. In the absence of, and until the arrival of the consul or vice-consul, the local authorities shall, moreover, take all necessary measures for the protection of individuals, and the preservation of goods shipwrecked.

The goods saved shall not be subjected to any custom-house duties, unless they be entered for internal consumption.

The charges for salvage and other necessary expenses, in the two countries, shall not be other or higher than those which may be paid in like cases, by national vessels.

ARTICLE XXV. It is formally agreed between the two contracting parties, that besides the preceding stipulations, the diplomatic and consular agents, the subjects of every class, the ships, the cargoes and the merchandise of either of the two States, shall enjoy in full right, in the other, the franchises, privileges and immunities of every kind, granted to, or which may be hereafter granted in favor of the most favored nation, and this, gratuitously, if the concession be gratuitous, or with the same compensation, if the concession be conditional.

It is specially stipulated that the postal arrangements concluded, in Honolulu, on the 24th of November, 1853, and which regulate the exchange of correspondence between the Society Islands and the Hawaiian archipelago, and reciprocally, shall be maintained, and that the two contracting parties reserve to themselves only the right of modifying the details thereof, in the proportion and measure that hereafter necessity may point out.

ARTICLE XXVI. The present treaty shall be in force for ten years, counting from the day of the exchange of the ratifications, and if, in one

year before the expiration of this term, neither the one nor the other of the two contracting parties announce by an official declaration its intention that it shall cease to have effect, the said treaty will remain still obligatory during one year, and so onwards until the expiration of the twelve months which shall follow the official declaration in question, at whatever time it may be made.

It is well understood that in case this declaration come to be made by one or other of the contracting parties, the provisions of the treaty, relative to trade and navigation, and contained in the articles 8, 9, 10, 11, 12, 13, 14 and 24, shall be alone considered as having ceased and expired, but that, in regard to the other articles, the said treaty shall remain, nevertheless, perpetually obligatory, and cannot be modified except by a mutual agreement between the two contracting parties.

ARTICLE XXVII. The present treaty shall be ratified, and the ratifications exchanged, at Honolulu, within the term of ten months or sooner, if possible, and it shall not go into effect until after twelve months from the date of said exchange.

In faith of which the before-named Plenipotentiaries have signed the same, and have affixed their respective seals.

Done at Honolulu this twenty-ninth day of October, in the year of Our Lord, 1857.

(Signed.)	(Signed,)	(Signed,)
EM. PERRIN.	L. KAMEHAMEHA.	R. C. WYLLIE.
[Seal.]	[Seal.]	[Seal.]

And whereas, We have fully examined all the points and articles thereof, by and with the advice of Our Privy Council of State, We have confirmed and ratified the foregoing treaty, and We do confirm and ratify the same, in the most effectual manner, promising on Our faith and word as King, for Us and Our successors, to fullfil and observe it faithfully and scrupulously in all its clauses.

In faith of which We have signed this ratification with Our own hand, and have affixed thereto the great seal of Our Kingdom.

Given at our Palace, at Honolulu, this eighth day of September, in the year of Our Lord, one thousand eight hundred and fifty-eight, and in the fourth year of Our reign.

KAMEHAMEHA.

KAAHUMANU.

By the King and Kuhina Nui.

R. C. WYLLIE.

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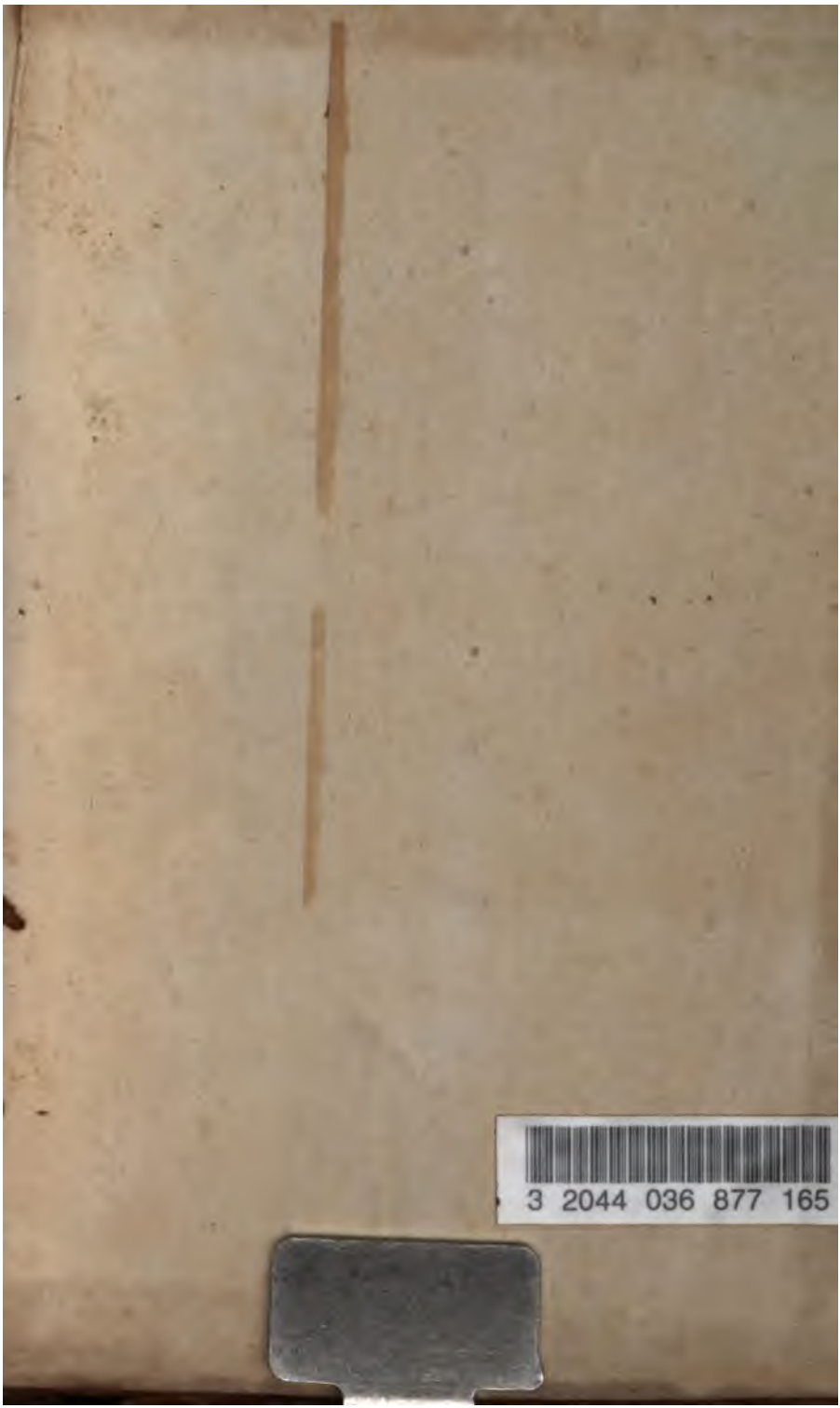
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